



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.1115/2022 and WMP.No.1171/2022

1. G.Meena
2. R.M.Anjammal
3. A.Sekar
4. A.Raja
5. M.Karthikeyan
6. P.Thangaraj
7. R.Kumudha

... Petitioners

-vs-

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. The Commissioner,
Greater Chennai Corporation,
Ripon Building, Kannappar Thidal,
Periyamet, Chennai-600 003.
3. The Regional Deputy Commissioner (South),
Greater Chennai Corporation,
Regional Office-South,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
4. The Superintending Engineer (South),
Greater Chennai Corporation,
Regional Office-South,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
5. Zonal Officer,
Zone XI, Zonal Office,
No.33, Arcot Road,
Valasaravakkam, Chennai-600 087.



2. The grievance of the petitioners shows that they have been in occupation and enjoyment of the land in Survey No.213, Nerkundram Village, Maduravoyal Taluk, Tiruvallur District in N.T.Patel Road, Nerkundram, Chennai for the past more than 3 decades by putting up a superstructure. There are approximately more than 300 houses in that survey number and most of them belong to the category of daily wage earners and low income groups. The petitioners have been paying necessary property tax and house tax to their houses and as such, their possession has been recognized by the Government authorities, in turn, all basic amenities like water, sewerage, electricity were provided by the Government.

3. The further grievance of the petitioners shows that since the Government had issued G.O.Ms.No.854, Revenue Department, dated 30.12.2006 for issuance of pattas to the residents who are all residing in the place-in-question for more than 10 years in Government Poromboke lands, the said scheme has been extended up to 31.12.2007 through G.O.Ms.No.498 dated 05.09.2007 and it was further extended up to 31.03.2008 through G.O.Ms.No.34 dated 23.01.2008 and once again, it was extended up to 30.09.2009 through G.O.Ms.No.579 dated 03.10.2008. Therefore, the petitioners have also applied for grant of patta to the Tahsildar, Ambattur, who was having jurisdiction then, but no order has been passed. In the meanwhile, the Revenue Inspector, Porur Firka, Maduravoyal Taluk, Tiruvallur District has issued a Show Cause Notice dated 01.04.2015 calling upon the petitioners to explain as to why they should not be evicted from the premises-in-question. Therefore, they have given a representation to the 1st respondent on 08.04.2015 requesting him not to take any further action against the said show cause notice. But without considering their explanation, an eviction notice dated 21.04.2015 was issued. Therefore, W.P.Nos.13816, 13807, 13810, 13813, 13817, 13808 and 13809/2015 have been filed and this Court by a Common Order dated 30.01.2017 dismissed the same with a liberty to avail the appellate remedy, namely, to prefer appeal under Section 10 of the Tamil Nadu Encroachment Act. Subsequently, the petitioners have also filed an appeal, but the same is still pending. Therefore, according to the petitioners if an opportunity of hearing is provided to them, they are prepared to appear before the appellate authority by producing relevant documents and on being satisfied with the same, let them pass any order, it is pleaded.

4. Learned Additional Advocate General assisted by learned Special Government Pleader for the 1st respondent, on instructions, would submit that pursuant to the order dated



30.01.2017 passed in W.P.No.13816/2017 etc. batch giving liberty to the petitioners to file an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, there is no such appeal has been filed because the petitioners have also not produced any document whatsoever proving that they have filed any appeal even in 2017 and the office of the 1st respondent was also informed to check up whether the petitioners have filed any appeal. After verification, it has been found that no such appeal has been filed. Therefore, for making a false statement before this Court, this Writ Petition has to be dismissed, it is pleaded.

5. In reply, learned Counsel appearing for the petitioners would submit that after the dismissal of the writ petitions by a common order dated 30.01.2017, when this Court directed the respondents herein to take appropriate action against the petitioners, if no appeal is filed under Section 10 of the Act, they could have taken action, but till date, no action has been taken that shows that they are also not correct. In any event, if the 3rd respondent gives an opportunity of personal hearing to the petitioners in the appeal preferred by them, making use of the said opportunity, the petitioners would be able to convince him.

6. Learned Counsel appearing for the respondents 2 to 8 would also state that based on the representation dated 04.01.2022 given by the petitioners, notice will be given to all the petitioners indicating the time, place in which they are supposed to appear. On receipt of the same, they can appear before the 3rd respondent and after complying with the principles of natural justice, a speaking order would be passed.

7. Recording the statement of the learned Counsel for the respondents 2 to 8, the writ petition is disposed of. Needless to mention that the petitioners shall co-operate with the enquiry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Tiruvallur District,
Tiruvallur.

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Greater Chennai Corporation,
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Adyar, Chennai-600 020.

5. Zonal Officer,
Zone XI, Zonal Office,
No.33, Arcot Road,
Valasaravakkam, Chennai-600 087.

6. The Executive Engineer,
Zone XI, Zonal Office,
No.33, Arcot Road,
Valasaravakkam, Chennai-600 087.

7. The Assistant Executive Engineer,
Unit 33, Zone XI,
No.33, Arcot Road,
Valasaravakkam, Chennai-600 087.

8. The Assistant Engineer, Division 145,
No.33, Arcot Road,
Valasaravakkam, Chennai-600 087.

+7cc's to Mr.S.Sivakumar, Advocate SR.No.11041
+1cc to Mr.R.Gopinath, Standing Counsel SR.No.11324

W.P.No.1115/2022

SV(CO)
CB(06/04/2022)