



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.Nos.11998 and 12000 of 2022
and
W.M.P.Nos. 11419 and 11422 of 2022

S.Kanimozhi

....Petitioner in W.P.No.11998 of 2022

M.Bhakthavatchalam

....Petitioner in W.P.No.12000 of 2022

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Block Development Officer,
Kundrathur Panchayat Union,
Kancheepuram District.
3. The Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

....Respondents in both W.P.s

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus, calling for the records relating to the Impugned Notice issued by the Second Respondent dated 08.04.2022 and received by the Petitioner on 25.04.2022, quash the same and consequently direct the Respondents to forbear themselves from interfering with the peaceful possession and occupation of the land and premises in Survey Nos:40/2A and 40/2 respectively of Nariyampakkam Village, Salamangalam Panchayat, Kundrathur Taluk, Kancheepuram District.



For Petitioners : Mr.K.Selvakumar
in both W.P.s

For Respondents
in both W.P.s : Mr. J.Raveendran,
Additional Advocate General
for Mr. A.Selvendran,
Special Government Pleader

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COMMON ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The prayer made in these writ petitions is to issue a writ of certiorarified mandamus calling for the records relating to the notices issued by the second respondent dated 08.04.2022 and received by the petitioners on 25.04.2022, quash the same and consequently, direct the respondents to forbear them from interfering with the peaceful possession and occupation of the land and premises in S.Nos.40/2A and 40/2 of Nariyampakkam Village, Salamangalam Panchayat, Kundrathur Taluk, Kancheepuram District.

2.According to Mr.K.Selvakumar, learned counsel for the petitioners, the petitioners have been in possession and enjoyment of the respective lands in Old S.Nos.40/2A and 40/2 of Nariampakkam Village, Kundrathur Taluk, Kancheepuram District, which were classified as Grama natham and they have been issued with possession certificates for the same. Further, the petitioners' lands and houses were assessed to property tax and provided with electricity service connections. While so, the second respondent issued notices dated 08.04.2022 to the petitioners under Form III of Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, calling upon them to remove the encroachment of 3 cents and 1 cents respectively, in their lands. Upon receipt of the said notices, the petitioners submitted their replies on 28.04.2022, stating inter alia that their lands were classified as 'Gramanatham' and not 'vaikkal poramboke' as mentioned in the notices. However, apprehending that the respondent officials would take coercive steps against them, the petitioners are before this court by filing the present writ petitions with the aforesaid prayer.

3.On the other hand, Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.A.Selvendran, learned Special Government Pleader, taking notice for the respondents, submitted that what was challenged in these writ petitions is only the notices dated 08.04.2022 issued by the second respondent, thereby calling upon the petitioners to submit the required



documents showing that they are the owners of the subject lands / properties and hence, there is no requirement to quash the same.

4.Considering the facts and circumstances of the case coupled with the submissions made by the learned counsel on either side, more particularly that the challenge made in these writ petitions is only to the notices dated 08.02.2022 issued by the second respondent, to which, the petitioners have already submitted their replies on 28.04.2022 along with supportive documents, this court directs the second respondent to consider the same and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible and communicate the same to the petitioners.

5.With the aforesaid direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer

True Copy//

Sub Assistant Registrar

KST/RPP

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Block Development Officer,
Kundrathur Panchayat Union,
Kancheepuram District.
3. The Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

+2ccs to Mr.K.Selvakumar, Advocate, S.R.No.31067, 31068
+1cc to the Government Pleader, S.R.No.31184

W.P.Nos.11998 and 12000 of 2022

KV[co]
NSK/25/05/2022