



W.P.No.34290 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34290 of 2022

T.Velayutham Homes,
rep. by its Partner, V.Anand,
No.56, Madhavaram High Road,
Perambur, Chennai-600 011.

.. Petitioner

Vs

1.The Collector,
Chennai District,
Singaravelar Maligai,
Chennai-600 001.

2.The Tashildhar,
Perambur Taluk,
Tashildhar Office,
Perambur,
Chennai-600 107.

3.The Revenue Inspector,
Perambur Taluk,
Tashildhar Office,
Perambur,
Chennai-600 107.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the third respondent in Form No.7 notice dated 8.11.2022 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 by the third respondent to the petitioner and quash the same as illegal.

For the Petitioner : Mr.M.Stalin

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

The writ petition has been filed challenging the impugned notice dated 8.11.2022 issued by the third respondent calling upon the petitioner to show cause as to why the petitioner should not be evicted from the land in question.

2. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of the vacant lands at K.K.R.Town comprised in Old S.No.22, T.S.No.2 part, as per Patta T.S.No.2/2, situated at Block No.7, Jumbuli Village, then Fort Tondiarpet, present Perambur Taluk, Chennai District, measuring an extent of



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18221 sq.ft.
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3. Learned counsel further submitted that the property in question in T.S.No.2/2 is a ryotwari patta property and is not a Kuttai and, therefore, the notice issued without mentioning the survey numbers is liable to be set aside. It is also submitted that Kuttai lands comprised in T.S.No.3 have been encroached by various persons and now finding that the petitioner's lands are lying vacant, the respondents are trying to evict the petitioner from his land in T.S.No.2/2 without following the due process of law. Hence, the petitioner has been advised to file the present writ petition.

4. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the respondents, submitted that the respondents would remove the encroachments only in T.S.No.3 and they will not interfere with the possession of the petitioner in respect of the patta lands in T.S.No.2/2.

5. Recording the submission made by learned State



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Government Pleader appearing for the respondents that the encroachments in T.S.No.3 alone would be removed, the writ petition is dismissed. However, it is made clear that if the petitioner has encroached upon the lands in T.S.No.3, it is open to the respondents to proceed further in accordance with law. There will be no order as to costs. Consequently, W.M.P.Nos.33737 and 33739 of 2022 are closed.

(T.R., ACJ.) (D.B.C., J.)
22.12.2022

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sasi

To:

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(sasi)

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