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WP Nos. 2781, 2784, 2786, 2798, 2803, 2804 & 2807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

Writ Petition Nos.2781, 2784, 2786, 2798, 2803, 2804 and 2807 of 2023
and

WMP Nos. 2904, 2905, 2906, 2918, 2925, 2927 and 2929 of 2023

W.P.No.2781 of 2023

A. Kasiammal

.. Petitioner

Versus

1. The District Collector
Tiruvannamalai
Tiruvannamalai District.

2. The Tahsildar
Tiruvannamalai Taluk
Tiruvannamalai District.

3. The District Revenue Officer,
Tiruvannamalai Taluk,
Tiruvannamalai District.

4. The Revenue Divisional Officer,
Tiruvannamalai Taluk,
Tiruvannamalai District

.. Respondents

WP No. 2781 of 2023:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st Respondent to dispose of the appeal dated 11.01.2023 against eviction notice



WP Nos. 2781, 2784, 2786, 2798, 2803, 2804 & 2807 of 2023

dated 06.01.2023 issued under Section 6 of Tamil Nadu Land Encroachment Act, 1905 on the file of the 4th respondent.

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For Petitioner : Mr. R. Rajarajan
in all the Writ Petitions

For Respondents : Mr. A.Selvendran
Special Government Pleader
for RR1 to 4 in all the Writ Petitions

COMMON ORDER

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

Since the issue involved in all these Writ Petitions is identical, they are taken up together and disposed of by this common order

2. Heard Mr. R. Rajarajan, learned counsel for petitioners and Mr. A. Selvendran, learned Special Government Pleader, who accepts notice on behalf of the Respondents 1 to 4 in all these writ petitions.

3. The relief sought in these Writ Petitions is to issue a Writ of Mandamus directing the 1st Respondent to dispose of the Appeals dated 11.01.2023 preferred by the petitioners against eviction notices dated 06.01.2023 issued by the 4th respondent under Section 6 of Tamil Nadu Land Encroachment Act, 1905.



WP Nos. 2781, 2784, 2786, 2798, 2803, 2804 & 2807 of 2023

4. According to the Petitioners, the lands in which they are residing are comprised in Sy.No.1720 and 1721, Kilnathur, Tiruvannamalai Town and District. Though the property was originally classified as poramboke land, taking into account that several downtrodden families are in occupation and enjoyment of the land in Sy.Nos.1720 and 1721, the Revenue Department had converted the same into Natham site and granted patta to the occupants during the year 2007. Even though the petitioners are also the occupants of the very same land, they were left out without issuing patta and therefore, they are representing to the respondents to issue patta to them as well. While so, the second respondent issued notices under Section 7 of the Tamil Nadu Land Encroachment Act for which the petitioners have submitted their reply stating that the lands comprised in Sy.No.1720 & 1721 are classified as gramamatham in the revenue records and therefore, they cannot be regarded as encroachers. Notwithstanding such explanation, the second respondent issued notices dated 06.01.2023 for eviction under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Aggrieved by the same, the petitioners have filed statutory appeals before the first respondent on 11.01.2023. Even during the pendency of the appeals preferred by the petitioners, they are sought to be evicted by the respondents and therefore, the petitioners have come up with these writ petitions for the relief aforesaid.



WP Nos. 2781, 2784, 2786, 2798, 2803, 2804 & 2807 of 2023

5. The learned counsel appearing for the Petitioners submitted that the Petitioners have occupied the property which is classified as Gramanatham where they are residing along with their family for a long time. Further, the respondents have issued patta to some of the occupants of the very same lands, but the petitioners have been left out. In any event, the petitioners have filed appeals before the first respondent on 11.01.2023 under Section 10 of The Tamil Nadu Land Encroachment Act and they are pending. The learned counsel therefore submit that a direction may be issued to the first Respondent to dispose of the Appeals preferred filed by the Petitioners, after affording an opportunity of hearing to all of them.

6. The learned Special Government Pleader appearing for the respondents has no serious objection for issuing a direction to the first respondent to pass orders on the statutory appeals preferred by the petitioners within a time frame.

7. Considering the limited scope of the prayer sought for by the Petitioners, without expressing any opinion on the merits of the case, the first respondent is directed to consider the Petitioners Statutory Appeals dated 11.01.2023, affording an opportunity of hearing to all concerned, and pass



WP Nos. 2781, 2784, 2786, 2798, 2803, 2804 & 2807 of 2023

orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. As the Petitioners are stated to be residing in the property in question along with their family, there shall be an order of status-quo till the disposal of the Appeals.

8. With the above directions, these Writ Petitions stand disposed of.
No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D., J.] [M.S.Q., J.]
03.02.2023

Index : Yes / No

Internet : Yes / No

arr/rsh
To

1. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
2. The Tahsildar,
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Tiruvannamalai District.
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WEB COPY



WP Nos. 2781, 2784, 2786, 2798, 2803, 2804 & 2807 of 2023

R. MAHADEVAN, J.
and
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W.P.No.2781 of 2023

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