



W.P.Nos.9060 and 9062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.9060 and 9062 of 2023

Kumar

.. Petitioner in
W.P.No.9060/2023

Madhu

.. Petitioner in
W.P.No.9062/2023

Vs

1.The District Collector,
District Collector Office,
Krishnagiri,
Krishnagiri District.

2.The Thasildar,
Thasildar Office,
Krishnagiri,
Krishnagiri District.

3.The Revenue Inspector Officer,
Revenue Inspector Office,
Krishnagiri,
Krishnagiri District.

.. Respondents in
both WPs



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Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents not to evicting the petitioners from the cultivating land and also to direct the second respondent to issue patta to the petitioners for the land bearing Survey No.381 classified as Government Land admeasuring an extent of 0.29.00 hectare approximately 0.72 cent situated at Souttahalli Village, Periyamuthur, Vinayagapuram Village, Krishnagiri Taluk, Krishnagiri by considering the petitioners representations dated 30.01.2023 and 02.02.2023

For the Petitioners : Mr.V.Balamurugan

For the Respondents : Mr.P.Balathandayutham
Spl. Government Pleader

COMMON ORDER

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

These writ petitions have been filed by the petitioners for issuance of a writ of mandamus directing the respondents not to evict them from the cultivating land and also to direct the second respondent to issue patta for the land bearing Survey No.381, classified as Government land, measuring an extent of 0.29.00 hectares (approximately 0.72 cents) situated at Souttahalli Village,



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Periyammuthur, Vinayagapuram Village, Krishnagiri Taluk by considering their representations dated 30.01.2023 and 02.02.2023 respectively.

2. Learned counsel appearing for the petitioners submitted that earlier the petitioners have submitted application for issuance of patta in favour of them for the land in question and when such application was pending, the third respondent issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short, "*the Act of 1905*") to the petitioners on 29.12.2022 calling upon them to submit their explanation within fifteen days. Learned counsel would submit that the petitioners have submitted their explanation on 30.01.2023 and 02.02.2023 respectively to the notice issued under Section 7 of the Act of 1905. While so, without even considering the explanation given by the petitioners, it is submitted that the respondent authorities are trying to evict them from the land in question. Hence, the petitioners have been advised to file these writ petitions.

3. Learned Special Government Pleader appearing for the respondents submitted that the petitioners have rushed to this Court



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before even considering and passing orders by the respondent authorities on the explanation submitted by the petitioners. If two weeks' time is granted to the respondent authorities, they will consider and pass orders on the explanation submitted by the petitioners to the notice issued under Section 7 of the Act of 1905.

4. Recording the submission made by learned Special Government Pleader, these writ petitions are disposed of by directing the respondent authorities to consider and pass orders on the explanation dated 30.01.2023 and 02.02.2023 respectfully submitted by the petitioner to the notice issued under Section 7 of the Act of 1905, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
24.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

WEB COPY

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District Collector Office,
Krishnagiri,
Krishnagiri District.
- 2.The Thasildar,
Thasildar Office,
Krishnagiri,
Krishnagiri District.
- 3.The Revenue Inspector,
Revenue Inspector Office,
Krishnagiri,
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