



W.P.No.18231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.18231 of 2023

M/s.Howden Solyvent (India) Private Ltd.,
rep. by its Company Secretary Sambit Dash
Having their office at 147, Poomallee High Road,
Village-Numbal,
Chennai-600 077.

.. Petitioner

Vs

1.The Collector,
Thiruvallur District,
Master Plan Complex NH 205,
Chennai-Tiruttani Hwy, Thiruvallur,
Tamil Nadu 602 001.

2.The Thasildar,
Poonamallee Taluk,
No.5, Trunk Road, Poonamallee,
Chennai-600 056 (Opposite GRT).

3.The Revenue Inspector,
Vanagaram Firka,
Poonamallee Taluk.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to impugned notice dated 9.5.2023 issued under Section 7 of the Land Encroachment Act, 1905 by the third respondent and quash the same and direct the respondents to consider in granting lease as requested by the petitioner company in the reply dated 24.5.2023.

For the Petitioner : Mr.S.S.Rajesh

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader

ORDER

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

We have heard Mr.S.S.Rajesh, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that the writ land



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is in between two lands of the present petitioner. The respondents had agreed to give the said land on lease to the petitioner. It is with the permission of the respondent that the petitioner is occupying the writ land. The petitioner is after the respondents to execute the lease deed. The same is not executed and now notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 has been issued.

3. According to learned State Government Pleader, the writ land is a canal watercourse and the petitioner has been directed to submit the relevant records before the Tahsildar on 21.6.2023. The notice under challenge is a notice under Section 7 of the Act. The petitioner has been given opportunity to place on record the documents to substantiate their case. The petitioner is at liberty to place on record all the documents and put forth its stand with regard to the lease or otherwise. It is for the authority to consider all the aspects on its own merits in accordance with law.

4. As the impugned notice is only a show cause notice and



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further procedure is contemplated before passing the final order, against which an appeal is provided and the matter would involve disputed questions of fact as to whether the property which is the subject matter of the notice under Section 7 of the Act is a water body or not, we are not inclined to entertain the writ petition.

The writ petition is disposed of with liberty to the petitioner to place on record all the documents with it and put forth its stand before the authority concerned. All contentions are kept open. There will be no order as to costs. Consequently, W.M.P.No.17433 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

19.06.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
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(sasi)

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