



W.P.Nos.31204 & 31209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.Nos.31204 and 31209 of 2024

and

W.M.P.No.33846 of 2024

and

W.P.No.31209 of 2024

W.P.No.31204 of 2024:

S.Senthamarai
W/o.Late Shanmugam

... Petitioner

Vs.

1. The District Collector
Office of the District Collector
Kancheepuram, Kancheepuram District.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Sriperumbudur,
Kancheepuram District.
3. The Revenue Inspector
Kolapakkam
Kundrathur Taluk Office
Metha Nagar Main Gate

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Kundrathur Taluk
Kancheepuram District.

4. The Tahsildar
Kundrathur Taluk
Kundrathur Taluk Office
Metha Nagar Main Gate
Kancheepuram District - 600 069.
5. The Taluk Surveyor
Kundrathur Taluk
Kundrathur Taluk Office
Metha Nagar Main Gate
Kancheepuram District - 600 069.

... Respondents

W.P.No.31209 of 2024:

1. V.Thiruvenkadam
S/o.Vaithiyalingam
2. V.Gopal
S/o.Vaithiyalingam

... Petitioners

Vs.

1. The District Collector
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2. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
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Kancheepuram District.



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3. The Revenue Inspector
Kolapakkam
Kundrathur Taluk Office
Metha Nagar Main Gate
Kundrathur Taluk
Kancheepuram District.
4. The Tahsildar
Kundrathur Taluk
Kundrathur Taluk Office
Metha Nagar Main Gate
Kancheepuram District - 600 069.
5. The Taluk Surveyor
Kundrathur Taluk
Kundrathur Taluk Office
Metha Nagar Main Gate
Kancheepuram District - 600 069.

... Respondents

Prayer :

Writ Petition No.31204 of 2024 filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from evict the petitioner from the property measuring an extent of 4 1/2 cents situated in Survey No.51, Srinivasapuram Village, Kunrathur Taluk, Kancheepuram District.

Writ Petition No.31209 of 2024 filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from evict the petitioners from the property measuring an extent of 9 cents situated in Survey No.51, Srinivasapuram Village, Kunrathur Taluk, Kancheepuram District.



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For Petitioners in both WPs : Ms.R.Hemalatha
For Respondents in both WPs : Mr.T.K.Saravanan
Government Advocate

COMMON ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

This common order will now dispose of the captioned two 'Writ Petitions' {hereinafter 'WPs' for the sake of brevity} and captioned 'Writ Miscellaneous Petition' {hereinafter 'WMP' for the sake of brevity} thereat.

2. It is not really necessary to dilate on facts as the matter turns on a very short point. The short point is, writ petitioners have been visited with two separate notices under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}, both notices being signed on 27.12.2022. Writ petitioners have erroneously resorted to Section 10 of said 1905 Act and filed an appeal even though writ petitioners have shown cause vide response dated 25.09.2024. It is under these circumstances, captioned WP has been filed.

3. Issue notice to respondents.

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4. Mr.T.K.Saravanan, learned Government Advocate accepts notice for all five respondents in both WPs.

5. Considering the limited scope of captioned WPs, with the consent of learned counsel on both sides main WPs were taken up in the Admission Board.

6. Learned State Counsel, on instructions submits that fourth respondent would pass orders under Section 6 of said 1905 Act based on / taking note of writ petitioners' response dated 25.09.2024. Learned State Counsel, on instructions submits that an order under Section 6 of said 1905 Act will be passed within one week from today i.e., 11.11.2024 and the same will be duly served on writ petitioners within three working days therefrom. If orders under Section 6 of said 1905 Act are in favour of writ petitioners, that would be the end of the matter but if orders under Section 6 of said 1905 Act are adverse to writ petitioners, though obvious we make it clear that it is open to writ petitioners to file appeals under Section 10 of said 1905 Act



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together with stay petition under Section 10-B of said 1905 Act to R1.

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7. Let law take its course in accordance with said Act.

8. The submission of learned State Counsel that orders under Section 6 of said 1905 Act will be passed within one week and served on writ petitioners within three working days therefrom is recorded.

9. Recording the aforementioned submission, captioned WPs and captioned WMP thereat are disposed of as closed leaving law to take its course in accordance with said 1905 Act. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

04.11.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

1. The District Collector

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M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

mk

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