

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.No.12392 of 2015
and
M.P.No.1 of 2015

Mrs.G.Muthulakshmi

...Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Tiruvallur District,
2. The Tahsildar,
Panapakkam village,
District,
3. The Village Administrative Officer,
Panapakkam village,
Thiruvallur District,
4. The Revenue Inspector,
Kadambathur village,
Thiruvallur District,
5. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvallur,

6. Mrs.Ibavalli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of certiorarified mandamus calling for the records of the 2nd respondent's notice dated 20.04.2015 under reference

Na.Ka.No.10202/2015/Aa1 issued to the fifth respondent under a copy of the petitioner and to quash the same as illegal and invalid and consequently direct the respondents 1 to 5 not to demolish or interfere with the possession of the house situated in Survey No.68/5 unless due process of law and without following the procedure contemplated under the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Ms.V.Alamelu

For Respondents : Mr.N.Sakthivel, Govt. Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents, the writ petition itself is taken up for disposal.

2. Questioning the legality and validity of the notice dated 20.04.2015 under reference Na.Ka.No.10202/2015/Aa1 issued by the 2nd respondent to the 5th respondent, the petitioner has come up with this petition on the ground that the petitioner has not been afforded any opportunity of hearing before a decision is taken by the authorities to remove the unauthoriised illegal construction/premises. Initially, the copy of the said notice dated 20.04.2015 is not on record and subsequently, the same was placed on record on 24.4.2015.

3. We have perused the notice dated 20.4.2014 carefully. On perusal of the same, it appears that the notice is in the form of communication addressed to the Deputy Superintendent of Police, Thiruvallur for the purpose of extending police assistance for survey of the area and also identifying the encroachment, if any. A copy of the same has been marked to the petitioner also.

4. Learned Government Advocate appearing for the respondents would submit that no action for removal would be taken without proper verification, survey or inspection and also without affording an opportunity of hearing to the petitioner to put forward her case. In that view of the matter, no direction need be issued at this stage. Except that, the authorities are required to follow the basic principles of natural justice before taking any action against the petitioner.

5. The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Office of the Collectorate,
Tiruvallur District,
2. The Tahsildar,
Panapakkam village,
District,
3. The Village Administrative Officer,
Panapakkam village,
Thiruvallur District,
4. The Revenue Inspector,
Kadambathur village,
Thiruvallur District,
5. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thiruvallur,

1 CC to Ms.V.Alamelu, Advocate SR.No. 23386

1 CC to the Government Pleader, SR.No. 23697

W.P. No.12392 of 2015

SR (CO)
PSI (11.05.2015)