

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.05.2015

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH
AND
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.14615 of 2015
and
M.P.No.1 of 2015

Raghupathy Naidu

... Petitioner

vs.

1. The District Collector
Thiruvallur District at
Thiruvallur.
2. The Tahsildar
Thiruvallur Division
Thiruvallur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents to consider the representation dated 08.04.2015, which is the reply to the notice dated 20.03.2015 and pass orders on merits thereon within a time to be stipulated by this Court and pending the said final decision to the above notice not to interfere with the possession and enjoyment of the standing crops at S.No.115/2, Vedanginallur Village, Thiruvallur District.

For petitioner : Mr.L.Chandrakumar

For respondents : Mr.A.Kumar
Special Government Pleader

ORDER

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

The writ petition is filed seeking for a mandamus directing the respondents to consider the representation of the petitioner dated 08.04.2015 sent as a reply to the notice of the respondents dated 20.03.2015 and pass appropriate order.

2. The case of the petitioner is that the petitioner's father late Kutty Naidu purchased the property to an extent of 0.80.5 acres in Survey No.115/2, Vedanginallur Village, Thiruvallur District and the same was enjoyed by the petitioner and his late father jointly. After the demise of his father, the petitioner is cultivating agricultural crops in the said property. In fact, for the past 15 years the petitioner is in possession of the property and he was also issued with a patta. While so, the second respondent has issued proceedings dated 20.03.2015 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The petitioner also sent a reply dated 08.04.2015. Now, without considering the said reply, the respondents are taking coercive steps to dispossess the petitioner from the subject land. Hence, the present writ petition.

3. Heard both sides and with the consent of both the parties, the main writ petition is taken up for final disposal.

4. Learned Special Government Pleader appearing on behalf of the respondents submitted that sufficient time may be granted to the authorities to consider and pass orders on the reply filed by the petitioner dated 08.04.2015 to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905[Act 3 of 1905].

5. Considering the submissions made on either side, we are constrained to pass the following order:

Since the petitioner has already submitted a reply dated 08.04.2015 to the notice issued by the second respondent dated 20.03.2015, the respondents are directed to consider the said reply on merits and in accordance with law and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Till such time, status quo as on date shall be maintained by the respondents.

6. With the above direction, both the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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-s/d-

Assistant Registrar/Vacation Officer

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Thiruvallur District at
Thiruvallur.
2. The Tahsildar
Thiruvallur Division
Thiruvallur.

+1 cc to Mr.L.Chandrakumar, Advocate sr.25115

+1 cc to Government Pleader sr.25071

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