

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:08-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.16011 of 2015
and
M.P.Nos.1 and 2 of 2015

Thaagam Theerpom Trust
Rep. by its Trustee
Mr.K.D.a.Prabakaran
S/o.Mr.S.Kanagaraj No.4/829
Vaidhiyalingham Salai
Neelangarai
Chennai-600 115.

...Petitioner

Vs

- 1 The District Collector
Kancheepuram District
Office of the Collector
Kancheepuram
- 2 The Thasildar
Sozginganallur Taluk
Office of the Thasildar
Sozginganallur
Kancheepuram District
- 3 The Revenue Inspector
Sozginganallur
Sozginganallur Taluk
Kancheepuram District
- 4 Mr.Mahendra Samuvel
No.4/829 Vaidhiyalingham Salai
Neelangarai
Chennai-115.

5 Mr.Chandran John
No.4/829 Vaidhiyalingham Salai
Neelangarai
Chennai-115.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records of the 3rd respondent with respect to the issuance of the Notice under Section 7 of Tamil Nadu Land Encroachment Act 1905 dated 17.4.2015 quash the same and consequentially to forbear the respondents 1 to 3 from demolishing the Super structure in the land situated in Survey No.41/1 in Sozhanginallur Village Kancheepuram District measuring an extent of 8802 sq.ft.

For petitioner : Mr. S. Palanirajan

For respondents : Mr. P.S. Shivashanmuga Sundaram,
Spl.G.P for RR1 to 3

ORDER

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

The petitioner, claiming to be a lawful owner of the property in question viz., Survey No.41/1 in Sozhanginallur Village, Kancheepuram District measuring an extent of 8802 sq.ft., has come up with this writ petition, assailing the legality of notice dated 17-04-2015 under Section 7 of Tamil Nadu Land Encroachment Act, 1905 ('the Act' for short) on the ground that the petitioner is a lawful owner of the property in question and has been paying all statutory taxes and in possession of the property for a long time and as such, the impugned notice is not maintainable.

2. We have heard the learned counsel for the petitioner, perused the pleadings and documents appended thereto. The impugned notice issued under Section 7 of the Act is in the form of show cause notice calling upon the petitioner to place his case to establish his ownership on the property, in question.

3. At this stage, the petition is premature as no final order directing eviction has been passed and as such, we are not inclined to entertain this writ petition. The writ petition is accordingly, dismissed as premature. However, liberty is reserved to the petitioner to file a representation/ reply to the said notice within a period of one week. Thereafter, the authorities are directed to

pass the final order on its own merit and in accordance with law and to take a consequential action as early as possible preferably within a period of three weeks, thereafter.

4. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The District Collector
Kancheepuram District
Office of the Collector
Kancheepuram
- 2 The Thasildar
Sozhinganallur Taluk
Office of the Thasildar
Sozhinganallur
Kancheepuram District
- 3 The Revenue Inspector
Sozhinganallur
Sozhinganallur Taluk
Kancheepuram District

1 CC to Mr. S. Palanirajan, Advocate SR.No. 27313

W.P.No.16011 of 2015

KSJ (CO)
PSI (19.06.2015)

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