

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2015

CORAM:

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

W.P. No.17806 of 2015 and M.P. No.1 of 2015

Logammal

Petitioner

vs.

1 The District Collector
Sathuvachari, Vellore District - 9

2 The Tahsildar
Arakkonam Taluk
Arakkonam

3 The Block Development Officer (VP)
Panchayat Union
Nemili

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records culminating in the order dated 10.06.2015 of the third respondent and quash the same and consequently forbear the respondents 1 to 3 from interfering with the petitioner's right for possession of the lands comprised in survey S.F. No.6 of Murungai Village, 0.64.0 acres, Arakkonam Taluk, Vellore District, pending the proceedings initiated by the respondents under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

For petitioner Mrs. G. Thilakavathi

For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
Spl. Govt. Pleader

For R3 Ms. P. Kavitha Government Advocate

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2. Ms. P. Kavitha, learned counsel, accepts notice for the third respondent.

2 Without being aggrieved as there is no order of removal, the petitioner has come up with the instant writ petition, questioning the legality and validity of the show cause notice dated 10.06.2015 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act").

3 On an earlier occasion, viz., in W.P. No.1866 of 2014, this Court, vide order dated 27.01.2014, had already observed that no final order under Section 6 of the Act be passed and consequential action be taken without affording an opportunity to the petitioner.

4 The learned Special Government Pleader appearing for respondents 1 and 2 submits fairly and categorically that without a proper order under Section 6, *ibid*, there is no proposal or inclination on the part of the authorities to remove the petitioner.

5 We are unable to understand what made the petitioner approach this Court, at this stage. There is no order calling upon the petitioner to remove the encroachment. Only a notice under Section 7, *ibid*, which is in the form of a show cause notice, has been issued. As such, this writ petition is premature.

6 Resultantly, this writ petition is dismissed. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

1 The District Collector
Sathuvachari, Vellore District - 9

2 The Tahsildar
Araknonam Taluk
Arakkonam

3 The Block Development Officer (VP)
Panchayat Union

+1cc to M/s. G. Thilakavathy, Counsel, S.R.No.30519

+1cc to the Government Pleader, S.R.No.30445

VGI (CO)
EU(01/07/2015)

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