

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM:

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

W.P. No.18161 of 2015 and M.P. Nos.1 & 2 of 2015

M.B. Raman

Petitioner

Vs.

1 The District Collector
Nilgiris District
Nilgiris

2 The District Revenue Officer
Udhagamandalam
The Nilgiris District

3 The Revenue Tahsildar
Coonoor
The Nilgiris District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the proceedings, viz., the notice dated 27.01.2015 under Section 7 of the Land Encroachment Act, 1905 and the notice dated 16.03.2015 under Section 6 of the Land Encroachment Act, 1905 of the third respondent herein and quash the same.

For petitioner Ms. AL. Gandhimathi

For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner, assailing the legality and validity of the notice dated 27.01.2015 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") and also the notice 16.03.2015 issued under Section 6 of the Act, on the ground that he is a lawful owner of the property in question and has been paying all statutory taxes and in possession of the properties for a long time and as such, the impugned notices are not maintainable, has preferred the instant writ petitions.

3 We have heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents. We have also perused the pleadings and documents appended thereto.

4 The notice under Section 7 of the Act was issued on 27.01.2015, calling upon the petitioner to place his case before the authorities. It appears that the petitioner has not taken any steps thereafter. Hence, the final notice under Section 6 of the Act, directing the petitioner to remove the encroachment was issued on 16.03.2015, which is also impugned in this writ petition, along with the notice issued under Section 7 of the Act. Inasmuch as the petitioner has not taken any steps in pursuance of the notices issued under either Section 7 or Section 6 of the Act, his contention that no opportunity of hearing was afforded to him, is noted to be rejected. The writ petition is accordingly dismissed.

5 However, liberty is reserved to the petitioner to take recourse to appellate jurisdiction, as provided under the provisions of law. If, pursuant to the impugned notices, no action for eviction has been taken, status quo as obtained today shall be maintained for a period of two weeks to enable the petitioner to file an appeal and also to seek interim relief, as per law, if so advised. Costs made easy. Connected Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-
Asst.Registrar (CO)

/true copy/

WEB COPY

Sub Asst. Registrar

cad

To

1 The District Collector
Nilgiris District
Nilgiris

2 The District Revenue Officer
Udhagamandalam
The Nilgiris District

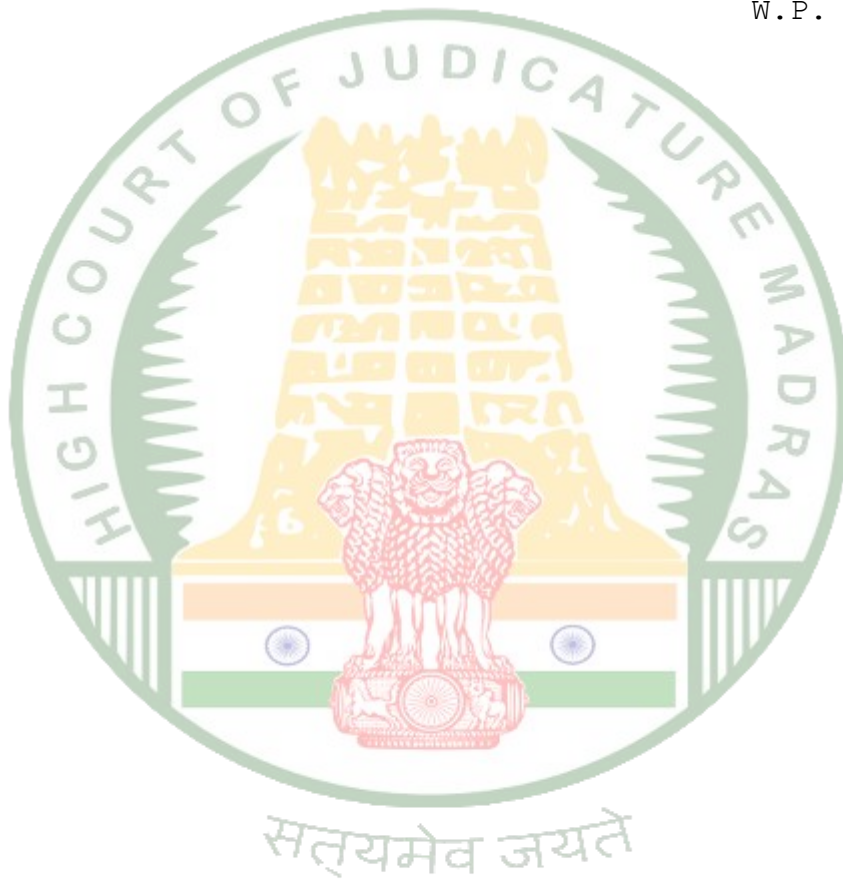
3 The Revenue Tahsildar
Coonoor
The Nilgiris District

1 cc to Mr.A.L. Gandhimathi, Advocate, Sr. 31072

1 cc to Government Pleader, Sr. 31046

W.P. No.18161 of 2015

PUR (CO)
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