

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM:

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

W.P. Nos. 22043 and 22044 of 2015

Mrs. N. Chellammal

Petitioner
(In WP No.22043/2015)

Mr. Prakash alias Prakasam

Petitioner
(In WP No.22044/2015)

vs.

1. The Tahsildhar,
Thiruvallur Taluk,
Thiruvallur District.

2. The District Collector,
Thiruvallur District.

Respondents
(In both W.Ps.)

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records and quashing the notice dated 07.07.2015 passed by the first respondent.

For petitioners : Dr. P. Vasudevan
for
M/s. Thirumalai

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

COMMON ORDER

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

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader takes notice on behalf of the respondents. With the consent of both parties, these writ petitions are taken up for final disposal, at the admission stage itself.

2. Questioning the legality and validity of the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905

(for short "The Act") , the petitioners are before us.

3. According to the learned counsel for the petitioners, the petitioners are in possession of the land in question for the last so many years. The petitioners also obtained electricity connection. Thus, the impugned notices are bad in law and deserve to be set aside. It is also contended that no opportunity was afforded to the petitioners before issuance of notice under Section 6 of the Act.

4. We have considered the submissions and also perused documents and pleadings.

5. On a perusal of the pleadings, it is evident that the petitioners were given proper opportunity of hearing as the petitioners were served with show cause notices dated 22.06.2015 issued under Section 7 of the Act, to which, the petitioners have also made separate representations/replies on 26.06.2015. The impugned notices under Section 6 of the Act were issued not all of a sudden and not granting any time but the same were served on 07.07.2015. The petitioners have not taken any step to take re-course to the appellate forum, which is available under the statute. The petitioners may ask for interim relief also, under the provisions of law, if so advised.

6. In such view of the matter, we are not inclined to entertain these writ petitions at this stage. Accordingly, these writ petitions are disposed of reserving liberty to the petitioners to take re-course to the appropriate appellate forum, under the provisions of law, if so advised. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

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सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Tahsildhar,
Thiruvallur Taluk,
Thiruvallur District.

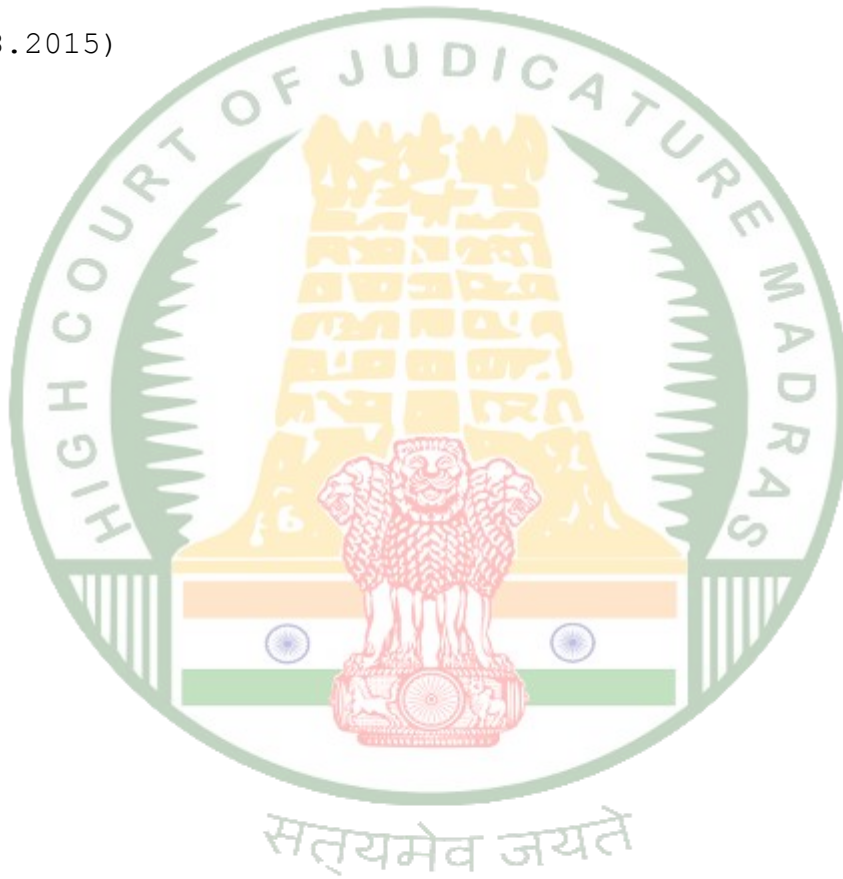
2. The District Collector,
Thiruvallur District.

2 CCs to Mr.M.Thirumalai, Advocate SR.No. 37320, 37321

1 CC to the Government Pleader, SR.No. 37632

W.P. Nos.22043 & 22044 of 2015

SV (CO)
PSI (04.08.2015)



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