

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-7-2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

AND

THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.22261 of 2015

M.P.Nos.1 & 2 of 2015

S.B. Bowmesh

... Petitioner

Vs.

1. The District Collector,
Kanchipuram District, Kanchipuram.

2. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu.

3. The Revenue Inspector,
Vandalore Division,
Chengalpet Taluk,
Kanchipuram 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 impugned notice of the third respondent dated 2.7.2015 issued under Section 7 of the Land Encroachment Act, 1905 in respect of his land, comprised in S.No.76/4, 76/4C1, at present S.F.No.76/40 in Urapakkam Village, Chengalpet Taluk, Kanchipuram District, including the buildings thereon and quash the same and consequently forbear the respondents from in any manner interfering with the peaceful possession and enjoyment of the petitioner and by evicting the petitioner from the said property.

For petitioner
For Respondents

: Mr.K.Chozhan
: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

ORDER

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

Questioning the legality and validity of the notice dated

2.7.2015 issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short 'the Act'), the petitioner, claiming to be the lawful owner of the property in question, has come up before this Court.

2. We are unable to appreciate how the petitioner is aggrieved at this stage, when under the impugned notice the petitioner is called upon to submit his case before issuing appropriate formal order/notice under Section 6 of the Act for eviction.

3. In such a view of the matter, we are not inclined to interfere with the impugned notice dated 2.7.2015 at this stage. However, liberty is reserved to the petitioner to file his explanation/reply, putting forward his case, before the authority. Needless to state that no action for eviction shall be initiated by the authorities before passing the appropriate order/notice under Section 6 of the Act.

The writ petition is disposed of with the above observations. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Kanchipuram District, Kanchipuram.
2. The Tahsildar,
Chengalpattu Taluk,
Chengalpattu.
3. The Revenue Inspector,
Vandalore Division,
Chengalpet Taluk,
Kanchipuram District.

+1cc to Government pleader sr.no.38022

W.P. No.22261 of 2015

AK[CO]
SRG 05.08.2015