

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.22358 of 2015
M.P.No.1 of 2015

Shanthi

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.
3. The Inspector of Police,
Sevapet Police Station,
Thiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the concerned records relating to the eviction order No.NIL, dated 7.7.2015 passed by the second respondent to evict the petitioner from her house situate in S.No.61, No.92, Sevapet Village, Thiruvallur Taluk and quash the same and consequently direct the second respondent to issue patta for the house situate in S.No.61, No.92 Sevapet Village, Thiruvallur Taluk.

For petitioner : Mr.I.Paranthamen

For Respondents : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

ORDER

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

The petitioner, stated to be a resident of the property in question, which has been held by the authorities as an encroachment on the Government land, has come up with this writ petition.

2. After following the due process of law, i.e., issuance of show cause notice dated 22nd June, 2015 under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act'), affording opportunity to the petitioner, the second respondent herein has issued the eviction notice under Section 6 of the Act, on 7th July, 2015, which is under challenge in the instant petition.

3. The grievance of the petitioner is that the reply of the petitioner dated 23rd June, 2015 to the notice under Section 7 of the Act has not been properly considered. We are informed by the learned counsel appearing for the petitioner that an appeal under the provisions of the Act, along with an application for interim relief, has been preferred on 20th July, 2015 itself.

4. Thus, as an appeal has already been preferred, which is the proper course to question the validity of the notice under section 7 of the Act, without expressing any opinion on the merits of the case, we direct the petitioner to pursue the application filed for interim relief and obtain order, if so advised. Having regard to the facts and circumstances of the case, we grant an order of status-quo in respect of the property in question for a period of two weeks from today.

The writ petition is disposed of with the above observations. No costs. Connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vr
To

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District.
3. The Inspector of Police,
Sevapet Police Station,
Thiruvallur District.

W.P. No.22358 of 2015

NM(CO)
Eu 28.07.15