

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

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

W.P. No.23060 of 2015
and
M.P. Nos.1 & 2 of 2015

G. Chinnasamy

...Petitioner

vs.

1 The Taluk Committee
headed by the Tahsildar
Perundurai
Erode District

2 The Revenue Inspector
Perundurai
Erode District

3 M. Subramani

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.8821/2015-A8 dated 30.06.2015 and quash the same.

For petitioner : Mr. C. Prakasam

For RR 1 & 2 : 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 respondents 1 and 2. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader, the writ petition is taken up for final disposal, at the admission stage itself.

2 Feeling aggrieved by the proceedings dated 30th June 2015, the petitioner is before us contending inter alia that the said proceedings was taken on record on the wrong premise that he agreed to vacate the house in question within 7 days. In fact, the petitioner had never agreed to vacate the house within 7 days and as such, the impugned proceedings is vitiated and liable to be quashed.

3 On the other hand, Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader submits that no action has been taken pursuant to the impugned proceedings dated 30th June 2015. The petitioner has been given show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") on 13th July 2015. The petitioner has also filed his reply/explanation to the said notice on 20th July 2015. No further action of eviction shall be taken without examining his application and taking a proper decision under Section 6 of the Act.

4 In such view of the matter, we are not inclined to interfere with the impugned proceedings, at this stage, inasmuch as proper opportunity of hearing has been afforded to the petitioner by issuance of show cause notice under Section 7, as aforestated and also, the petitioner has filed his reply/explanation to the said proceedings. We are, therefore, not inclined to pass any order, at this stage, except directing the authority concerned to examine the petitioner's explanation carefully on its own merits and in accordance with law, adverting to each and every averment made therein, before taking a final decision under Section 6 of the Act.

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5 The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Taluk Committee
headed by the Tahsildar
Perundurai
Erode District

2 The Revenue Inspector
Perundurai
Erode District

1 CC to Mr. C. Prakasam, Advocate SR.No. 39233

1 CC to the Government Pleader, SR.No. 39422

GP (CO)
PSI (13.08.2015)

W.P. No.23060 of 2015

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