

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No. 23100 of 2015

D. Selvaraj

Petitioner

vs.

1. The District Collector,
Collectorate,
Salem.

2. The Revenue Divisional Officer,
Attur,
Salem District.

3. The Tahsildhar,
Attur.

4. Murugesan

5. Venkatesan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for records of the 3rd respondent passed in order dated 22.07.2015 and quash the same.

For petitioner

Mr. A. Rajakumar

For respondents

Mr. P.S.Sivashanmugasundaram

Spl. Govt. Pleader - R1 to R3

ORDER

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

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3, the writ petition is taken up for final disposal, at the admission stage itself.

2 Invoking the extra-ordinary jurisdiction under Article 226 of the Constitution of India, the petitioner has come up with this writ petition, questioning the legality and validity of the order/notice dated 22.07.2015 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), whereunder, he has been directed to remove the encroachment from the land bearing

S.No.12/2 to an extent of 5 cents situated in the Narasingapuram, Attur Taluk, Salem District.

3 Before issuance of the impugned notice/order dated 22.07.2015 under Section 6 of the Act, the petitioner was served with a show cause notice under Section 7 of the Act, calling upon him to put forward his case, within a period of 15 days. The impugned order/notice under Section 6 of the Act, passed by the third respondent is appealable under Section 10 of the Act, wherein, the petitioner can make an application for interim relief also. As such, we are not inclined to interfere with the impugned order/notice, at this stage, in exercise of jurisdiction under Article 226 of the Constitution of India.

4 Resultantly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate,
Salem.
2. The Revenue Divisional Officer,
Attur,
Salem District.
3. The Tahsildhar,
Attur.

+1cc to the Government Pleader, S.R.No.40157

ALA (CO)
EU(14/08/2015)

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