

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3/8/2015

C O R A M

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

W.P. No.23174 of 2015
and
M.P. Nos.1 to 3 of 2015

R. Dinakaran Petitioner

Vs.

- 1 The District Collector
Thiruvallur District
Thiruvallur
- 2 The Tahsildar
Madhavaram Taluk
Thiruvallur District. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relevant to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 01.07.2015 and consequential notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 20.07.2015 issued by the second respondent affixed on the door of the petitioner house without even mentioning the name of the occupant by namely the petitioner and quash the same as illegal, improper, unreasonable and arbitrary against the principles of natural justice and thereby, direct the second respondent to grant patta in respect of residential property situated in S.No.1, Plot No.50 & 51, Kurinchi Nagar, Puththagaram Village, Madhavaram Taluk, Thiruvallur District to an extent of 1200 sq. ft. of land in the name of the petitioner herein immediately.

For petitioner Mr.V. Muralidaran
For respondents Mr. N.Sakthivel,
Government Advocate

O R D E R

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

Mr.N.Sakthivel, learned Government Advocate, accepts notice for the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner has come up with the instant writ petition, assailing the legality and validity of the notices dated 1st July, 2015 and 20th July, 2015 issued by the second respondent under Sections 7 and 6 respectively of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act").

3 It is beyond cavil that before issuance of notice under Section 6 of the Act, the petitioner was afforded an opportunity of hearing by notice dated 1st July, 2015 issued under Section 7 of the Act. It is not clear as to whether representation, pursuant to the said notice, was made by the petitioner. It is further brought to our notice that after the notice under Section 6 of the Act was issued, the petitioner has preferred an appeal under Section 10 of the Act on 22nd July, 2015 and the same is pending consideration before the first respondent.

4 Given the fact situation, as afore-stated, no adjudication is required at this stage. However, the first respondent is directed to consider the petitioner's pending appeal within the statutory period. In the meantime, if an application seeking interim relief is filed by the petitioner, the same shall be considered and decided within a period of two weeks from today. It is made clear that for a period of two weeks, status-quo, as obtained today, in respect of the property in question, shall be maintained.

5 The writ petition stands disposed of with the above directions and observations. Costs made easy. Connected Miscellaneous Petitions are closed.

mvs.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Thiruvallur District
Thiruvallur

2. The Tahsildar
Madhavaram Taluk
Thiruvallur District.

+ 1 cc to Govt. Advocate SR 39963

+ 1 cc to Mr.M.V.Muralidaran, Advocate SR 39768

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