

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/8/2015

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.23500 of 2015
and
M.P. Nos.1 and 2 of 2015

Mrs.R.Rajeshwari ... Petitioner

Vs

1. The Secretary to Government
Government of Tamil Nadu
Revenue Department
Fort St. George
Chennai 600 009.
2. The Director
Urban land Ceiling and Land Tax
Chepauk
Chennai 600 005.
3. The District Collector
Thiruvallur District
Thiruvallur.
4. The Tahsildar
Office of the Tahsildar
Maduravoyal
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the fourth respondent pertaining to eviction notice dated 22/7/2015 in Na.Ka.No.10079 of 1994 and quash the same and further forbear the respondents from in any manner interfering with the peaceful possession and enjoyment of the petitioner's land and building measuring an extent of 2370 Sq.feet in Survey No.269/4B Survey No.269/4A2 as per patta, of Maduravoyal Village, Ambattur Division.

For petitioner : Mr.S.Parthasarathy
For respondents : Mr.N.Sakthivel,
Government Advocate.

O R D E R

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

Questioning the legality and validity of the eviction notice dated 22nd July, 2015, the petitioner stated to be in possession of the premises in question, has come up with this petition.

2. The case of the learned counsel for the petitioner is that on an earlier occasion, the authorities have issued a notice under Section 6 of the Tamil Nadu Encroachment Act (for short "the Act"), on 22nd July, 2015. Thereagainst, a writ petition being W.P.No.26281 of 2013 was filed in this Court. This Court, while disposing of the writ petition, on 30th October, 2013, granted liberty to prefer a statutory appeal. An appeal, thereafter, was preferred before the Appellate Authority on 22nd November, 2013 and the said appeal has been disposed of on 31st July, 2015. Before disposal of the appeal, the authorities have issued a fresh eviction notice on 22nd July, 2015. Thus this writ petition.

3. On a perusal of the order dated 31st July, 2015, passed in the appeal, we noticed that the petitioner has been granted liberty to exercise an appeal or revision in accordance with the Act, within a time limit prescribed in the Act.

4. In view of the above, this Court is granting liberty to the petitioner to prefer an appeal or revision, as the case may be, within a period of thirty days from today, if so advised. Status-quo is granted for such a period.

5. This writ petition stands disposed of accordingly. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

mvs.

To

1. The Secretary to Government
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Chennai 600 009.
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Maduravoyal
Chennai.

1 cc to Mr..S.Parthasarathy , Advocate Sr.No.40293

W.P. No.23500 of 2015

tej (co)
pmk.14.8.2015



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