

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.26185 of 2015

1. Nithiyakalyani
W/o late Ramu

2. Jayalakshmi
D/o late Ramu

3. Pushpalatha
D/o late Ramu

.. Petitioners

-vs-

1. The Tahsildar
Sholinganallur Taluk
Kancheepuram District

2. The Revenue Inspector
Pallikaranai, Firka
Sholinganallur Taluk
Kancheepuram District

3. The Village Administrative Officer
Okkiyam Thoraipakkam Village
Sholinganallur Taluk
Kancheepuram District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned Eviction Notice of the second respondent dated 29.4.2015, and quash the same and direct the respondents not to evict the petitioners from their possession and enjoyment of the house site land property of an extent of 5400 sq.ft., comprising in S.No.209/3, situated at No.4/647, Moottakaran Chavadi, No.13-Okkiyam Thoraipakkam village, Sholinganallur Taluk, Kancheepuram District and consequently direct the respondents to recognize the petitioners' lawful possession and enjoyment of the said property.

For Petitioners:: Mr.A.Ramalingam

For Respondents:: Mrs.A.Srijayanthi
Special Government Pleader

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN, J.)

The petitioners have come up with the above writ petition challenging a notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard Mr.A.Ramalingam, learned counsel for the petitioners. Mrs.A.Srijayanthi, learned Special Government Pleader takes notice for the respondents.

3. What is issued under Section 7 of the Act is only a provisional notice. The petitioners have already submitted a reply to the notice. If the first respondent is not satisfied with the reply given to the notice under Section 7, the first respondent will have to proceed under Section 6. Otherwise, if he is satisfied with the reply, he may even drop the proceedings. Therefore, unless and until a notice under Section 6 is issued, the petitioners will have no cause to worry.

4. Hence the writ petition is disposed of directing the first respondent to consider the reply furnished by the petitioners on 10.5.2015 and pass appropriate orders and only thereafter, take appropriate action in accordance with the other provisions of the Act. Till then, the parties are directed to maintain status quo. It is open to the petitioners to submit additional reply raising additional grounds before the first respondent. Consequently, M.P.Nos.1 & 2 of 2015 are closed. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

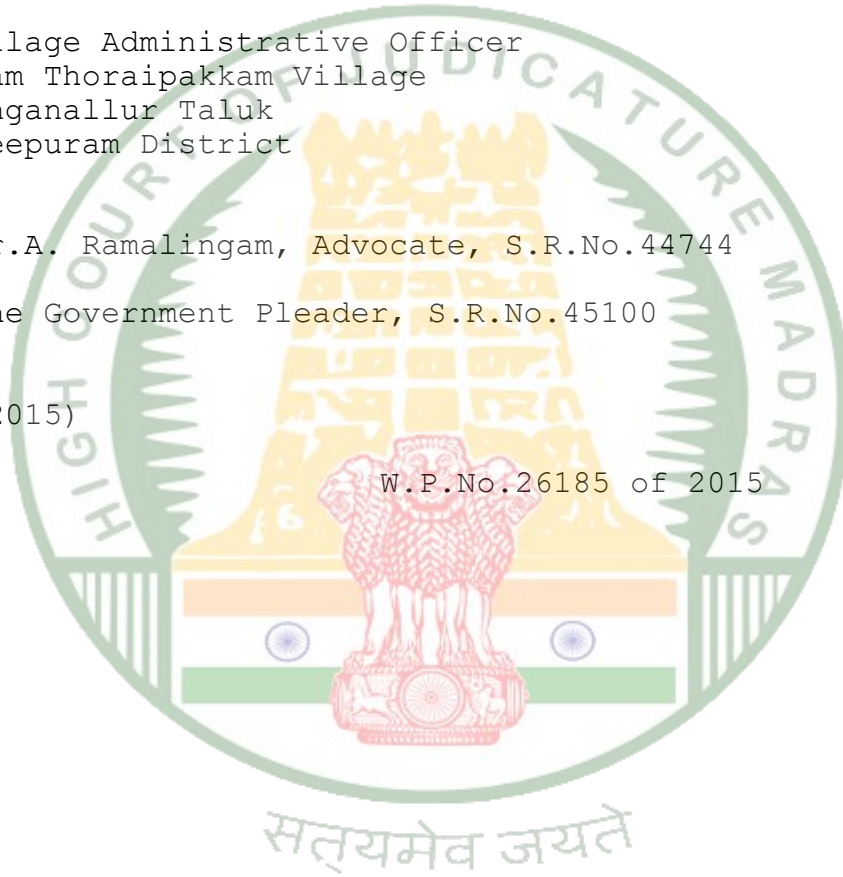
1. The Tahsildar
Sholinganallur Taluk
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Sholinganallur Taluk
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3. The Village Administrative Officer
Okkiyam Thoraipakkam Village
Sholinganallur Taluk
Kancheepuram District

+1cc to Mr.A. Ramalingam, Advocate, S.R.No.44744

+1cc to the Government Pleader, S.R.No.45100

EV(CO)
EU(10/09/2015)

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