

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2015

CORAM:

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

W.P. No.26555 of 2015 and M.P. No.1 of 2015

Mrs. Rahamath

Petitioner

vs.

1. The District Collector
Thiruvallur District,
Thiruvallur.
2. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai.53.
3. The Revenue Inspector,
Thirumullaivoyal,
Ambattur Taluk,
Thiruvallur District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records relating to the impugned notice Ref.No.Na.Ka.322/2015, dated 06.07.2015 under Section 7 of Tamil Nadu Act, 3 of 1905 issued by the third respondent to the petitioner and quash the same.

For petitioner Mr. D. Senthilkumar

For respondents Mrs. A. Srijayanthi
Special Government Pleader

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader accepts notice for the respondents. With the consent of the learned counsel on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Assailing the notice dated 06.07.2015 issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), the petitioner is before us.

3. Learned counsel for the petitioner apprehends that without passing an order under Section 6 of the Act, as required under the provisions of law, the authorities may take action to remove the petitioner from the land in question. It is also stated that in response to the impugned notice, the petitioner has already made a representation on 10.07.2015.

4. Concededly, the impugned notice issued under Section 7 of the Act is in the form of show cause notice. In such view of the matter, we do not find any reason to interfere with the impugned notice, at this stage. Further, the apprehension of the petitioner is misplaced. It is made clear that no consequential action may be taken without passing the proper order under provisions of law.

5. Accordingly, this writ petition is dismissed as premature. Connected miscellaneous petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Thiruvallur District,
Thiruvallur.

2. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai.53.

3. The Revenue Inspector,
Thirumullaivoyal,
Ambattur Taluk,
Thiruvallur District.

+1cc to Mr.D.Senthil Kumar, Advocate, S.R.No.45893
+1cc to the Government Pleader, S.R.No.45842

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

W.P. No.26555 of 2015