

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2015

CORAM:

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

W.P. No.26853 of 2015

and

M.P. No.1 of 2015

Mohana

...Petitioner

vs.

1 The District Collector
Sathuvachari
Vellore District - 9

2 The Tahsildar
Arakkonam Taluk
Arakkonam

3 The Block Development Officer (VP)
Panchayat Union
Nemili

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records culminating in the order dated 10.06.2015 of the third respondent and quash the same and consequently, forbear the respondents 1 to 3 from interfering with the right of the petitioner to possess the lands comprised in Survey S.F. No.6 of Murungai Village, measuring 0.41.4 ares, Arakkonam Taluk, Vellore District, pending final orders to be passed by the first respondent on the appeal representation dated 13.06.2015 filed by the petitioner under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

For petitioner : Mrs. G. Thilakavathi
For RR 1 & 2 : Mrs. A. Srijayanthi
Special Government Pleader
For R3 : Mr. P. Sanjay Gandhi
Additional Government Pleader

ORDER
(made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 and 2. Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for the third respondent. 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 This writ petition is filed assailing the notice dated 10th June 2015 issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") and to forbear the respondents from interfering with the petitioner's right to possess the lands comprised in S.F.No.6 of Murungai Village, Arakkonam Taluk, Vellore District, pending final orders to be passed by the first respondent on the appeal representation dated 13.06.2015 filed by the petitioner under the provisions of the Act.

3 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. However, it is made clear that no consequential action may be taken without passing a proper order under Section 6 of the Act.

4 The writ petition stands disposed of with the above observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

cad

To

1 The District Collector
Sathuvachari
Vellore District - 9

2 The Tahsildar
Arakkonam Taluk
Arakkonam

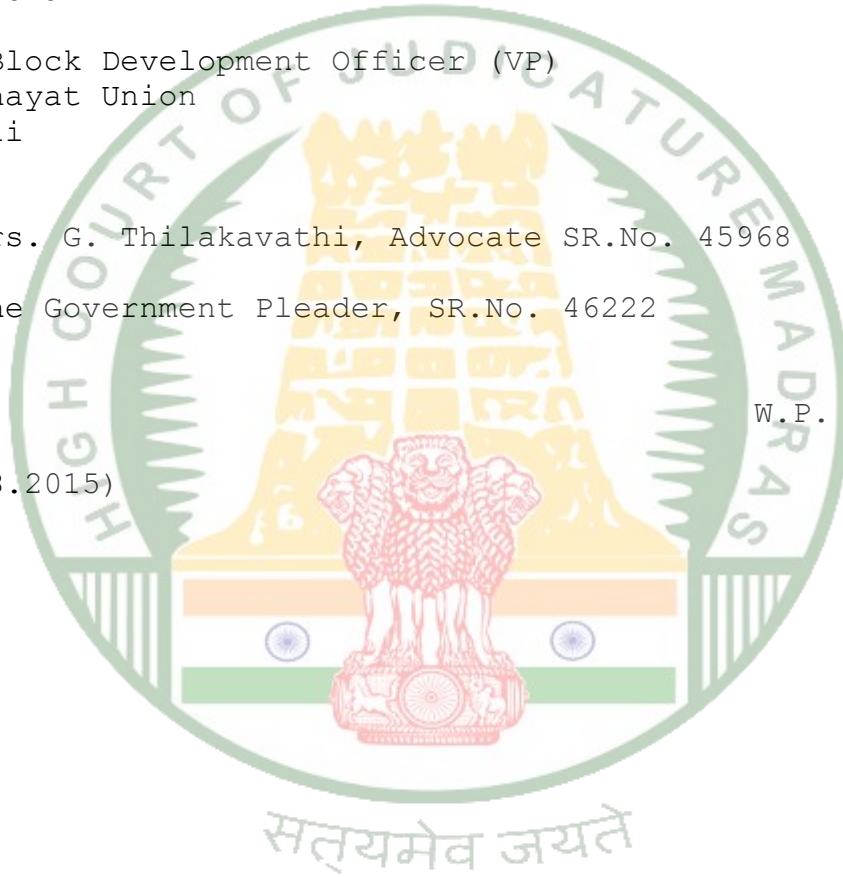
3 The Block Development Officer (VP)
Panchayat Union
Nemili

1 CC to Mrs. G. Thilakavathi, Advocate SR.No. 45968

1 CC to the Government Pleader, SR.No. 46222

JSV (CO)
PSI (31.08.2015)

W.P. No.26853 of 2015



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