

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2015

CORAM

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

W.P. No.28701 of 2015

S. Jagadhambal

Petitioner

Vs.

The Assistant Engineer,
W.R.D., Irrigation Section,
Erode.2.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the entire records relating to the impugned notice issued by the respondent in his proceedings No. Nil, dated 28.08.2015 and quash the same.

For petitioner

Mr. C. Prakasam

For respondents

Mrs. A. Srijyanthi
Spl. Govt. Pleader

ORDER

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

Mrs. A. Srijyanthi, learned Special Government Pleader accepts notice on behalf of the 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. Assailing the legality and validity of the notice dated 28 August 2015 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") wherein, the respondent had directed the petitioner to vacate the land in question for non-payment of tax under Section 3 of the Act, the petitioner has come up with this writ petition on the ground that the said land does not belong to the Panchayat; on the contrary, the said land is a patta land belonging to her and as such, the respondent has no

jurisdiction to direct the petitioner to vacate the land in question. Thus, the impugned notice may be quashed for want of competency and jurisdiction.

3. On a perusal of the impugned notice, we notice that the same deals with not only vacation from the land but also it requires the petitioner to submit an explanation.

4. Be that as it may, without expressing any opinion on the nature of the land and also the purport of the notice, we grant two weeks' time to the petitioner to place her case before the authorities concerned, raising all her objections, including objection qua jurisdiction, if so advised. The authority concerned is directed to consider the case of the petitioner, adverting to each and every objection raised by her and pass a reasoned final order and also take consequential action thereafter, if necessary.

5. The writ petition stands disposed of with the above observation and direction. Consequently, connected miscellaneous petition is closed. Costs made easy.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Assistant Engineer,
W.R.D., Irrigation Section,
Erode.2.

+1 cc to Mr.C.Prakasam, Advocate sr.50057

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