

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

C O R A M:

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

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. Nos.32639 to 32649 of 2015

and

M.P.Nos.1 of 2015

R. Poongavanam ... Petitioner in WP 32639/2015
G. Lakshman ... Petitioner in WP 32640/2015
R.Shakthivel ... Petitioner in WP 32641/2015
K. Dhanalakshmi ... Petitioner in WP 32642/2015
G.Manoharan ... Petitioner in WP 32643/2015
R.P.Ranganathan ... Petitioner in WP 32644/2015
G.Thirupathy ... Petitioner in WP 32645/2015
K. Kannan ... Petitioner in WP 32646/2015
V.Krishnan ... Petitioner in WP 32647/2015
C.Manivannan ... Petitioner in WP 32648/2015
S.Rajendran ... Petitioner in WP 32649/2015

Vs.

The Block Development Officer,
Block Development Office,
Uthangarai Taluk,
Krishnagiri District. ...

Respondent

Writ Petition in W.P. No. 32639 of 2015 filed under Article
226 of the Constitution of India for issuance of a writ of

Certiorari calling for the records of the impugned notice dated 05.10.2015 issued by the respondent and quash the same.

For petitioner Mr. S.R. Rajagopal
for
Mr. G. Saibaba

For respondent Mr. N. Sakthivel
Govt. Advocate

COMMON ORDER

(Delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 Questioning the notices dated 05.10.2015 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, (for short "the Act") whereunder, without affording an opportunity of hearing to the petitioners, they have been directed to remove the alleged encroachment on or before 16 October 2015, the petitioners have come up with these writ petitions.

3 According to the learned counsel for the petitioners, the impugned notices purported to be issued under Section 7 seem to be final orders and as such, the same deserve to be set aside.

4 Learned Government Advocate appearing for the respondent fairly submits that the language used in the impugned notices is not proper and in fact, the impugned notices are show cause notices, calling upon the petitioners to explain as to why, they should not be removed from the encroachments made on the property in question.

5 In view of the aforesaid submission of the learned Government Advocate, we are not inclined to interfere with the impugned notices. However, liberty is reserved to the petitioners to file explanation to the said show cause notices, within a period of two weeks. Thereafter, it is open to the authorities to take consequential action on merits and in accordance with law.

6 These writ petitions are dismissed accordingly. No costs. Connected miscellaneous petitions are also dismissed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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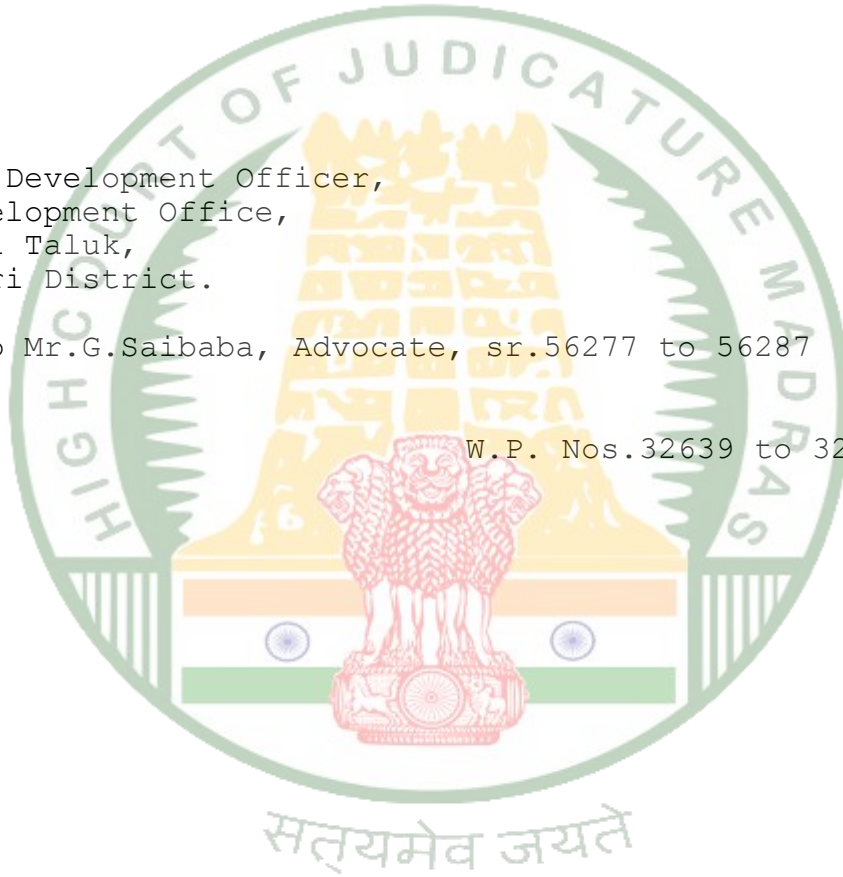
To

The Block Development Officer,
Block Development Office,
Uthangarai Taluk,
Krishnagiri District.

+11 ccs to Mr.G.Saibaba, Advocate, sr.56277 to 56287

jsv co
kra 16/10

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