

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2015

C O R A M:

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

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

W.P. No. 33218 of 2015

and

M.P.No.1 of 2015

R. Shanmugam

...Petitioner

Vs.

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

...Respondent

Writ Petition 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. S.V.Durai Solaimalai
Addl. Govt. Pleader

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

Mr. S.V.Durai Solaimalai, learned Additional Government Pleader, 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 petitioner, he has been directed to remove the alleged encroachment on or before 16 October 2015, the petitioner has come up with this writ petition.

3 According to the learned counsel for the petitioner, the impugned notice purported to be issued under Section 7 of the Act seems to be final order and as such, the same deserves to be set aside.

4 Learned Government Advocate appearing for the respondent fairly submits that the language used in the impugned notice is not proper and in fact, the impugned notice is a show cause notice, calling upon the petitioner to explain as to why, he should not be removed from the encroachment made on the property in question.

5 In view of the aforesaid submission of the learned Additional Government Pleader, we are not inclined to interfere with the impugned notice. However, liberty is reserved to the petitioner to file explanation to the said show cause notice, 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 This writ petition is dismissed accordingly. No costs. Connected miscellaneous petition is also dismissed.

sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ra

To

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

+1 CC to MR. G. Saibaba Advocate. SR.NO. 57178

W.P. No. 33218 of 2015

CO-JP
JD 03/11/2015