

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM:

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

W.P. No.34790 of 2015
and
M.P. Nos.1 and 2 of 2015

Velu

... Petitioner

Vs.

1. The Member
Coordinator/Assistant Director
Fisheries
District Level Committee
Villupuram

2. The District Collector
Villupuram District

3. The Forest Range Officer
Tindivanam Forest Range Office
Villupuram District

4. The Tahsildar
O/o the Tahsildar
Marakkanam
Villupuram District

5. The Village Administrative Officer
No.221, Nadukuppam Village
Tindivanam Taluk
Villupuram District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the 4th respondent i.e., the Tahsildar, Marakkanam, culminating in A2/852/2015 dated 24.07.2015, quash the same and

further direct the respondents not to take any coercive steps from evicting the petitioner from the shrimp farm in Survey No.650.2, 650.1, an extent of 0.90.0 Nadukuppan (East) Village, Marakkanam Taluk, Villupuram District.

For petitioner : Mr. K. Balakrishnan

For RR 1,2,4 and 5 : Mr. N. Sakthivel
Government Advocate

ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1,2,4 and 5. With the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1,2,4 and 5, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed assailing the notice dated 24 July 2015 issued by the fourth respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") and to forbear the respondents from evicting the petitioner from the shrimp farm in Survey No.650.2 and 650.1 to an extent of 0.90.0 at Nadukuppan (East) Village, Marakkanam Taluk, Villupuram District.

3. Concededly, the impugned notice issued under Section 7 of the Act is in the form of a 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, in response to the impugned notice, the petitioner has already submitted his reply on 16 August 2015, which is still pending consideration.

4. According to the learned Government Advocate, the petitioner's aforesaid representation would be considered on merits and in accordance with law before passing final orders under Section 6 of the Act, if need be.

5. In view of the aforesaid submission of the learned Government Advocate, it is ordered accordingly. Needless to state that no consequential action shall be taken without a proper order being passed under Section 6 of the Act.

6. The writ petition stands disposed of with the above observations. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cad

To

1. The Member
Coordinator/Assistant Director
Fisheries
District Level Committee, Villupuram
2. The District Collector
Villupuram District
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Tindivanam Forest Range Office
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+1cc to Mr.K.Balakrishnan, Advocate, S.R.No.59643

W.P. No.34790 of 2015

SV(CO)
CA(16/11/2015)