

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No.34958 of 2015 and M.P. No.1 of 2015

Saravanan

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.669.1, an extent of 0.52.5 at Nadukuppam (East) Village, Marakkanam Taluk, Villupuram District.

For petitioner
For RR 1,2,4 and 5

For R3

Mr. K. Balakrishnan
Mr. N. Sakthivel
Government Advocate
Mr. N. Inbanathan
Govt. Advocate (Forest)

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for respondents 1,2,4 and 5. Mr. N. Inbanathan, learned Government Advocate (Forest), accepts notice for the third respondent. With the consent of the learned counsel for the parties, 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 for a direction forbearing the respondents from taking any coercive steps to evict the petitioner from the shrimp farm in Survey No.669.1 at Nadukuppam (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 submitted in response to the notice issued under Section 7 of the Act, would be considered on merits and in accordance with law before passing final orders under Section 6 of the Act, if need be, if the appropriate order under Section 6 of the Act is not passed.

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, if not already passed.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Member
Coordinator/Assistant Director
Fisheries
District Level Committee, Villupuram
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Villupuram District
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- 5 The Village Administrative Officer
No.221, Nadukuppam Village
Tindivanam Taluk
Villupuram District

+1 cc to Mr.K.Balakrishnan, Advocate, sr.59640
+1 cc to Special Government Pleader, sr.59981
+1 cc to Government Pleader, sr.60076

W.P. No.34958 of 2015

skv co
kra 19.11.2015

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