

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

CORAM:

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

W.P. No.6386 of 2015 and M.P. No.1 of 2015

K. Dhairyalakshmi

Petitioner

vs.

1 The District Collector
Perambalur District, Perambalur

2 The Tahsildar
O/o Kunnam Tahsildar
Kunnam, Perambalur District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records of the second respondent in eviction notice issued under Section 6 of Chennai III Act, 1905 dated 12.02.2015, to quash the same as being illegal and unsustainable in law and consequently, directing the first respondent to dispose of the petitioner's appeal dated 22.12.2014 and further pass orders from not evicting the petitioner and demolishing her residential home thatched hut at 6/155, Sirumathur Kudikadu Village, Kezipuliyur Post, Kunnam Taluk, Perambalur District.

For petitioner Mr. S. Manoharan
for M/s. D. Bharathy

For respondents Mr. P.S. Sivashanmugasundaram
Special Government Pleader

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ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondents.

2 This writ petition is filed challenging the eviction notice dated 12.02.2015 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the

Act"), for a direction to the first respondent to dispose of the petitioner's appeal dated 22.12.2014 and to pass orders for not evicting the petitioner and also for not demolishing her residential property at No.6/155, Sirumathur Kudikadu Village, Kezipuliyur Post, Kunnam Taluk, Perambalur District.

3 We have heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4 On a perusal of the documents available before us, it transpires that a proper notice as contemplated under Section 7 of the Act was issued. Despite sufficient time granted, the petitioner failed to file any representation or reply to the said notice. Thereafter, the second respondent passed an order under Section 6, ibid, specifying therein, the details of encroachment, with a direction to remove the encroachment within 7 days. The petitioner has come up with the instant writ petition, questioning the legality and validity of the said notice.

5 It is to be noted that as against the impugned notice issued under Section 6 of the Act, appeal remedy is available under Section 10 of the Act. As such, there is no reason to interfere with the impugned notice, at this stage.

6 As a sequel, the writ petition is dismissed as not maintainable. However, liberty is reserved to the petitioner to take recourse to the appellate forum. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

- 1 The District Collector
Perambalur District, Perambalur
- 2 The Tahsildar
O/o Kunnam Tahsildar
Kunnam, Perambalur District

+1 cc to Government Pleader, SR.22094.

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