

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-03-2015

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI

AND

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

WRIT PETITION No. 8728 of 2015

V. Ravichandran

.. Petitioner

vs

1. The District Collector,
Collectorate,
Perambalure District.

2. The Revenue Divisional Officer,
Allathoor Taluk,
Perambalure District.

3. The Tahsildar,
Allathoor Taluk,
Perambalure District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to give the petitioner a personal hearing after complying all the legal requirements in issuing statutory notices under the provisions of the Land Encroachment Act before evicting the petitioner from the land in his occupation in Survey No.185, Of Methal Village, Sillakudi Majira, Alathur Circle, Perambalur District.

For Petitioner : Mr. A.P.Surya Prakasam

For Respondent : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER

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

The petitioner has come up with this writ petition seeking a direction to the authorities not to evict him from the land in SF.No. 185, Methal Village, Sillakudi, Perambalure District, which is in his occupation.

2. On a perusal of the documents annexed with the petition, we find that notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 has been issued on 21.11.2014. Thereafter, a reply has also been filed by the petitioner to the said notice on 10.12.2014. It appears that no step for removal of the encroachment has been taken, till date. The contention of the learned counsel for the petitioner that there is no proper notice as the notice is not addressed to him, is not acceptable. If the petitioner has obtained a copy of the said notice, which is annexed with the writ petition, the same be treated as a notice addressed to the petitioner and also, without there being endorsement by him, the petitioner has sent a reply to the notice.

3. Be that as it may, since proper notice has been given to the petitioner, it is for the petitioner to place further detailed representation, if so advised. The authorities, after affording an opportunity of hearing, are entitled to take consequential action, on its own merits and in accordance with law, within the statutory period.

4. This writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2015 is closed. No costs.

Sd/-

Asst.Registrar (Lok adalat)

/true copy/

Sub Asst. Registrar

ra

To

1. The District Collector,
Collectorate,
Perambalure District.
2. The Revenue Divisional Officer,
Allathoor Taluk, Perambalure District.
3. The Tahsildar,
Allathoor Taluk, Perambalure District.

1 cc to M/s. N. Santhosh Nagarajan, Advocate, Sr. 17539

1 cc to Government Pleader, Sr. 17550

W.P.No.8728 of 2015