



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.19459 of 2015

Haji Saleem Allama

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil.

3.The Revenue Divisional Officer,
Vadeveeswaram South Village,
Nagercoil.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to impugned notice dated 19.08.2015 on the file of the 3rd respondent and quash the same and consequently further direct to consider the petitioner's representation dated 02.09.2015 on the file of the 1st respondent in respect of issuance for patta of Punja Land Survey No.S/12/15-12 in Vadiveeswaram south village which is in petitioner's possession for long number of years.

For Petitioner

: Mr.S.A.S.Alaudeen

For Respondents

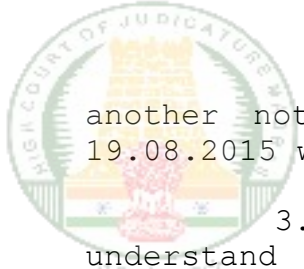
: Mr.M.Alagadevan,
Special Government Pleader.

ORDER

(Order of the Court was made by **R. SUDHAKAR, J.**)

The petitioner challenges the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2.It is seen from the records that the petitioner has already filed a suit in O.S.No.739 of 2009 before the Principal District Munsif Court, Nagercoil. We do not know as to how such a suit has been entertained by the Court below in a case of alleged encroachment. Nevertheless, based on certain representation, action was taken. Challenging the same, W.P(MD)No.11254 of 2015 has been filed and this Court by an order dated 03.07.2015 disposed of the same with a direction to the competent authority to consider the representation dated 08.05.2015. In the meanwhile, the petitioner applied for patta. Pursuant to the order passed by this Court, the second respondent issued notice on 27.07.2015 fixing the date for enquiry on 03.08.2015 and thereafter,



another notice under Section 7 of the said Act has been issued on 19.08.2015 which is impugned in this writ petition.

3.From the above said series of proceedings what we could understand is that both the petitioner and the Department are playing hide and seek but the encroachment is not removed on one pretext or other. We find no justification to entertain the writ petition challenging the notice issued under Section 7 of the said Act. We only hope the authorities to act diligently and efficiently to ensure that the notice is pursued to its logical conclusion.

4.Accordingly, the writ petition is dismissed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

sms

To

1.The District Collector,Kanyakumari District,Kanyakumari.

2.The Tahsildar, Agasteeswaram Taluk,Nagecoil.

3.The Revenue Divisional Officer,
Vadeveeswaram South Village, Nagercoil.

+one cc to The Special Government Pleader in SR.No. 64140

CSL/AMF/18.11.2015

2P/5C

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