



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.14869 of 2011

Antony Selva Sekar

... Petitioner

Vs.

1.The Village Administrative Officer,
Tharuvaikulam,
Tuticorin District.

2.The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari or any other appropriate Writ or order or direction more in the form of Writ by calling for the records pertaining the impugned notice issued by the 1st respondent dated Nil and quash the same.

For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.A.Alagathevan
Spl.Govt.Pleader

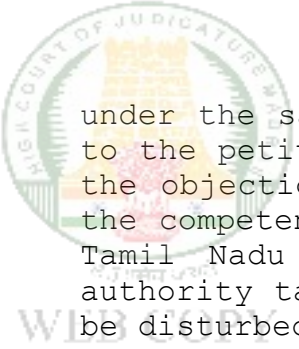
ORDER

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

This writ petition has been filed to quash the impugned notice issued by the first respondent.

2.The grievance of the petitioner is that the Village Administrative Officer is not an authorised officer in terms of Section 7 of the Tamil Nadu Land Encroachment Act, (III of 1905). Notice has been issued stating that he is an encroacher and he should remove the encroachment within 15 days, failing which action will be taken in terms of Section 7 of the Tamil Nadu Land Encroachment Act, (III of 1905).

3.The second respondent has filed a counter affidavit stating that the Village Administrative Officer is an authorised officer in terms of the said Act. Nevertheless, we do not want to prolong this litigation except to direct the petitioner to make his preliminary objection to the Village Administrative Officer, that he is not the competent authority



under the said Act and if he is duly authorised, he can produce the same to the petitioner and thereafter proceed with the enquiry on the basis of the objection submitted by the petitioner. If there is no authorisation, the competent authority should take steps strictly in accordance with the Tamil Nadu Land Encroachment Act, (III of 1905). Till the competent authority takes action as per law, possession of the petitioner shall not be disturbed.

4.This writ petition is disposed of accordingly. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Village Administrative Officer,
Tharuvaikulam,
Tuticorin District.

2.The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

+1cc to Mr.R.Vijayakumar, Advocate SR.No.56297

+1cc to The Special Government Pleader, Madurai. SR.No.56715

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mj

NS/GSV-PM/06.10.2015 : 2P/5C