

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.15335 of 2015

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ORDER:

Heard.

The petitioner is a Temple represented by its Chairman and Managing Trustee. On the allegation that Ac.0-53 cents of the Government land is encroached, a notice under Section 7 of Madras Act 3 of 1905 was issued to the petitioner by the 1st respondent on 11-05-2015 calling upon the petitioner to submit explanation. The petitioner states that it has already submitted a detailed explanation on 28-05-2015. However, the present writ petition is filed questioning the said notice apprehending that the petitioner is likely to be dispossessed. It is also mentioned in the explanation that there is a religious ceremony by eight villages and it is being held from 01-06-2015 to 02-07-2015 after giving wide publicity. As such, any hasty action taken by the 1st respondent would greatly harm the public interest.

I am unable to appreciate any reason to entertain the writ petition against the impugned notice particularly as the said notice merely calls upon the petitioner to submit explanation to the prima facie satisfaction of the 1st respondent that there is an encroachment of part of the Government land. It is for the petitioner, therefore, to explain the said allegation and since it has already filed explanation to the said notice, the 1st respondent would undoubtedly consider the said explanation and take appropriate decision in the matter. Hence, no reason exists to entertain the writ petition against the said notice.

Accordingly, the writ petition is dismissed. However, it is made clear that the 1st respondent shall consider the explanation submitted by the petitioner in the light of all attending circumstances and then pass a reasoned order. It is needless to clarify that till appropriate decision is taken by the 1st respondent and communicated

to the petitioner, the 1st respondent shall not take any coercive action against the petitioner including dispossession. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 03-06-2015

Prv

