

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.26935 of 2016
and WMP.Nos.23169 to 23171 of 2016

K.Rajagopal

...Petitioner

Vs.

1.The District Collector
Thiruppur District
at Thiruppur

2.The District Revenue Officer
O/o.the District Revenue Officer
District Collector Building
Thiruppur District

3.The Tahsildar
Palladam Taluk
Thiruppur District

4. The Revenue Inspector (Land)
Palladam Taluk
Thiruppur District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relevant to the notice issued under section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 27.1.2016 issued by the 4th respondent and consequential notice issued under section 6 of the

Tamil Nadu Land Encroachment Act, 1905 dated 23.6.2016 by the 3rd respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of natural justice and thereby direct the respondents to enable the petitioner to continue his peaceful possession and enjoyment of the Patta property situated at Survey No.199, Door No.404/2 Min Nagar, Chettipalayam Road, Panikkampatti Village, Palladam Taluk, Thiruppur District.

For Petitioner : Mr.S.Kumaresan

For Respondents : Mr.P.S.Sivashanmuga Sudaram,
Special Government Pleader

ORDER

(Order of the Court was made by HULUVADI G. RAMESH,J.)

Heard Mr.S.Kumaresan, learned counsel for the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader accepting notice for the respondents.

2. The petitioner claims to be in absolute possession and enjoyment of the property above mentioned. It is stated that the 4th respondent issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905,(herein after called as "Act") on 27.01.2016 for which the petitioner said to have given a reply on 03.02.2016 and

also filed W.P.No.6623 of 2016 before this court, wherein, liberty was granted to the petitioner to make a fresh reply towards Section 7 notice. Thereafter, the 3rd respondent issued notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 on 23.06.2016, wherein, the petitioner was directed to vacate the said land within 7 days. The petitioner also said to have preferred an appeal under Section 10 of the Act on 13.07.2016 before the 4th respondent. Now, the petitioner is before this court seeking to quash the Section 7 notice.

3. After going through the averments made in the writ petition and also on hearing the submissions made on the side of the petitioner, we hereby direct the petitioner to file a copy of appeal under Section 10 of the Act before the District Collector. The District Collector, Thiruppur District, on receipt of appeal, if any filed by the petitioner, shall consider the same and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order. It is made clear that all the contentions are left open to the petitioner to agitate before the Appellate Authority. The respondents are directed to maintain status quo till the appeal is disposed of by the Appellate Authority.

HULUVADI G. RAMESH,J.
and
M.V.MURALIDARAN,J.

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4. The Writ Petition is disposed of with the above direction.
No costs. Consequently, connected WMPs are closed.

(H.G.R., J.) (M.V.M., J.)

03.08.2016

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To

- 1.The District Collector
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at Thiruppur
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O/o.the District Revenue Officer
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- 3.The Tahsildar
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4. The Revenue Inspector (Land)
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W.P.No.26935 of 2016