

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.27292 of 2016
and WMP.No.23493 of 2016

M.PoornaSundari

...Petitioner

Vs.

1 The District Collector
Erode District
Erode

2 The Revenue Tasildhar
Office of the Tashildhar
Panneerselvampark
Erode District
Erode

3 The Land Revenue Inspector
Erode West Circle
Erode Taluk and District

4 P.Saravanan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for records relating to impugned order dated 22.07.2016 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.D.Gopal
For Respondents : Mrs.A.Sri Jeyanthi,
Special Government Pleader
for R1 to R3

O R D E R

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

Heard Mr.D.Gopal, learned counsel for the petitioner and Mrs.A.Sri Jeyanthi, learned Special Government Pleader, appearing for respondents 1 to 3.

2. Challenging the order dated 22.07.2016 issued by the 3rd respondent, the petitioner is before this court, wherein, the petitioner was called upon to explain why she should not be evicted from the land mentioned in the said notice.

3. The impugned notice dated 22.07.2016 is a Section 7 Notice issued under Chennai III Act, 1905 (hereinafter called as "Act") wherein, the petitioner was called upon to show cause as to why she should not be evicted from the land mentioned in the said notice and why action should not be taken against her under Section 6 of the Act and such reply should be given on or before 05 August 2016 in writing or in oral representation before the District Collector-1st respondent herein.

4. The petitioner instead of giving reply to the said notice dated 22.07.2016, filed this writ petition, seeking to quash the same on the ground that the said land is used by the petitioner from the time of her ancestors and for a prolonged period and the 4th respondent is trying to convert the said land/path into common path and in such circumstances, the impugned notice came to be issued against her.

5. Without going into the merits, we hereby direct the petitioner to give a reply to the notice dated 22.07.2016 within 15 days from the date of receipt of a copy of this order. If any action has been taken by the respondents 1 to 3 even after the reply given by the petitioner and if she is aggrieved by the said action, she is at liberty to move the District Collector under Section 10-A of the Act. However, we hereby direct the respondents 1 to 3 not to take any coercive action against the petitioner till the proceedings are concluded in the manner prescribed under the Act and further, the petitioner may be given due opportunity to substantiate her claim .

6. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

nvsri

Sd/- जयते
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1 The District Collector
Erode District
Erode

2 The Revenue Tasildhar
Office of the Tashildhar
Panneerselvampark
Erode District
Erode

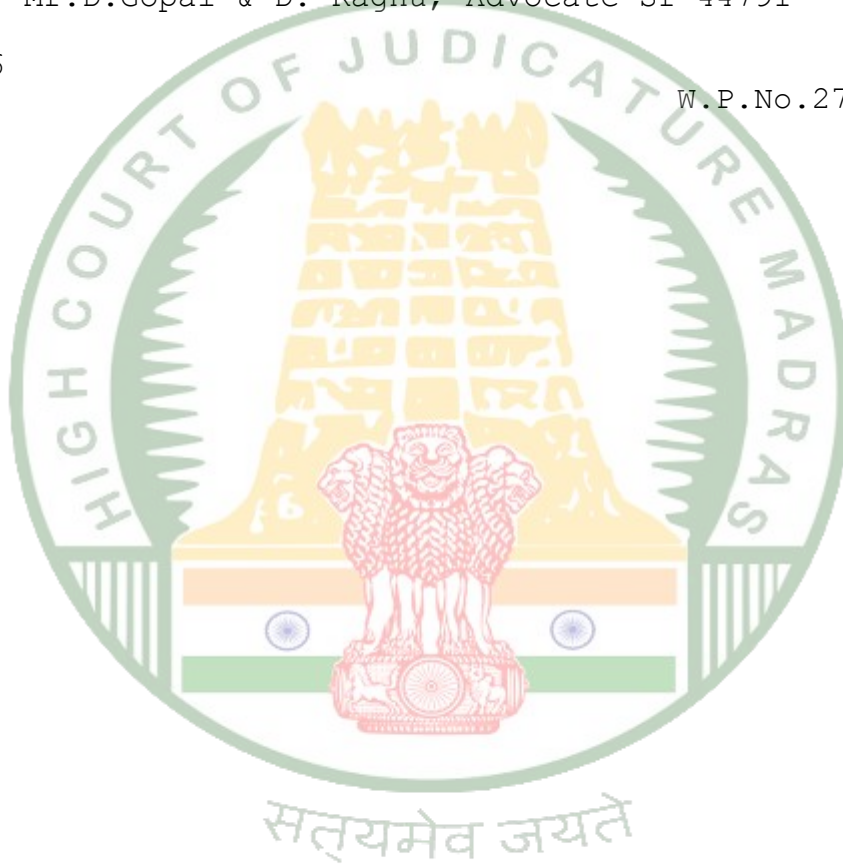
3 The Land Revenue Inspector
Erode West Circle
Erode Taluk and District

+ 1 cc to The Govt.Pleader, Sr 44857

+ 1 cc to Mr.D.Gopal & D. Raghu, Advocate Sr 44791

KR/29/8/16

W.P.No.27292 of 2016



WEB COPY