

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

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

Writ Petition No.28723 of 2016
and WMP.No.24798 of 2016

S.Manikandan

...Petitioner

Vs.

1.The District Collector
O/o The District Collector
Krishnagiri
Krishnagiri District

2.The Thasildhar
Taluk Office of Uttangarai
Uttangarai Taluk
Krishnagiri District

3.The Revenue Inspector
Samalpatti Revenue Firka
Uttangarai Taluk
Krishnagiri District

4.C.Arul Kumar

...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 of the eviction notice dated 28.07.2016 under Section 6 of Madras Province Land Encroachment Act III 1905 issued by the Thasildar of Uttangarai Taluk, Krishnagiri District, the 2nd respondent herein and quash the same and direct the 1 to 3 respondents herein not to evict the petitioner from the Land and Superstructure of extension about 0.60 Acres vide Survey No.31 situated Parasanur Village, Samalpatti Post, Uttangarai Taluk, Krishnagiri District by considering the petitioner's last representation dated 27.07.2016.

For Petitioner : Mr.Dalit Tiger C.Ponnusamy

For Respondents : Mr.P.S.Sivashanmugasundaram
Spl.G.P. For R1 to R3.

O R D E R

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

Heard Mr.Dalit Tiger C.Ponnusamy, learned counsel for the petitioner, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, accepting notice for respondents 1 to 3

2. This Writ Petition is filed challenging the eviction notice dated 28.07.2016 passed under Section 6 of Madras Province Land Encroachment Act III, 1905, (hereinafter called as "Act") issued by the Thasildar of Uttangarai Taluk, Krishnagiri District, the 2nd respondent and for a direction to respondents 1 to 3 not to evict the petitioner from the Land and Superstructure of extension about 0.60 Acres vide Survey No.31 situated Parasanur Village, Samalpatti Post, Uttangarai Taluk, Krishnagiri District by considering the petitioner's last representation dated 27.07.2016.

3. It appears that the 4th respondent herein submitted a representation to the respondents 1 and 2 herein, seeking to take necessary action to remove the illegal encroachments made in Government Poramboke, Survey No.31 of Parasanoor Village, Uthangarai Taluk. This Court, by order dated 03.06.2016, in Writ Petition No.2932 of 2016 filed by the 4th respondent herein, directed respondents 1 and 2 herein to consider and dispose of the representation made by the 4th respondent dated 06.01.2015. Thereafter, the 3rd respondent herein issued Notice under Section 7 of the Madras Province Land Encroachment Act III 1905 on 13.07.2016 asking the petitioner herein to show cause as to why he should not be evicted from the land mentioned therein as the said property belong to Government. Such explanation or oral representation was directed to be made by the petitioner on or before 21.07.2016. Thereafter, the petitioner made a representation dated 27.07.2016 to the 2nd respondent herein seeking patta for the said land. Subsequently, by the impugned notice dated 28.07.2016, passed under Section 6 of the Act, the Tahsildar, Uthangarai, 2nd respondent herein informed the petitioner to vacate the said land within 15 days. Aggrieved by the same, the petitioner is before this court.

4. As against the notice issued under Sections 6 and 7 of the Act, appeal remedy is available to the petitioner under Section 10-A of the Act before the District Collector. Therefore, we direct the Writ Petitioner to file appeal under Section 10-A of the Act, if not already filed, before the District Collector, Krishnagiri. The 1st respondent, on receipt of appeal filed under Section 10-A of the Act, shall consider and pass appropriate orders in accordance with law, within a period of 2 months from the date of receipt of a copy of this order. Till such decision is taken in appeal under Section 10-A, status quo as on date shall be maintained.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The District Collector
O/o The District Collector
Krishnagiri
Krishnagiri District

2.The Thasildhar
Taluk Office of Uttangarai
Uttangarai Taluk
Krishnagiri District

3.The Revenue Inspector
Samalpatti Revenue Firka
Uttangarai Taluk

+1cc to Mr.Dalit Tiger C. Ponnusamy, Advocate, S.R.No.47091
+1cc to the Government Pleader, S.R.No.47707

SVI (CO)
EU(06/09/2016)

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सत्यमेव जयते

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