

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.2888 of 2016
and
W.M.P.No.2410 of 2016

M. Veeran

Petitioner

Vs

1. The District Collector,
Erode District,
Erode.
2. Revenue Divisional Officer,
Gobichettipalayam,
Erode District.
3. The Tahsildar (Revenue),
Anthiyur Taluk,
Erode District.
4. The Village President,
Nagalur Village Panchayat,
Anthiyur Taluk,
Erode District.
5. The Revenue Inspector (Land),
Aththani Sub Division,
Aththani,
Gopichettipalayam Taluk,
Erode District.

Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of Certiorari calling for the concerned records relating to the order dated 04.01.2016 proceedings No. Na.Ka.3803/2014-A1 passed by the third respondent and quash the same.

For Petitioner : Mr.V. Govardhan
for Mr. M. Gnanasekar

For Respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader R1 to R3 & R5
Mr. R. Govindaraj
Addl. Govt. Pleader - R4

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ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI,J.,)

Mr. P.S.Sivashanmugasundaram, learned special Government Pleader, accepts notice for the respondents 1 to 3 and 5. Mr.R.Govindaraj, learned Additional Government Pleader, accepts notice for the fourth respondent. Thus, with the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. Questioning the legality and validity of the order dated 04 January, 2016 passed by the first respondent, whereunder, the petitioner's representation dated 05 October, 2015 was rejected, he has come up with the instant writ petition.

3. Pursuant to the notice dated 29 September, 2015, issued under Section 7 of the Land Encroachment Act, 1905 (for short 'the Act'), the petitioner has made a representation dated 05 October 2015 to the first respondent. The first respondent has passed the impugned order under the provisions of Section 6 of the Act, which is appealable under Section 10 of the Act. Needless to state that under Section 10-B of the Act, there is also a provision for seeking interim relief. Thus, we are not inclined to entertain this writ petition at this stage.

4. We, accordingly, dismiss the writ petition, reserving liberty to the petitioner to take recourse to the appellate forum, if so advised. For a period of two weeks from today i.e., 28 January 2016, there shall be an order of status quo as obtained today, in respect of the property in question, to enable the petitioner to prefer an appeal as against the impugned notice, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

ra.

-s/d-

Assistant Registrar(CS-V)

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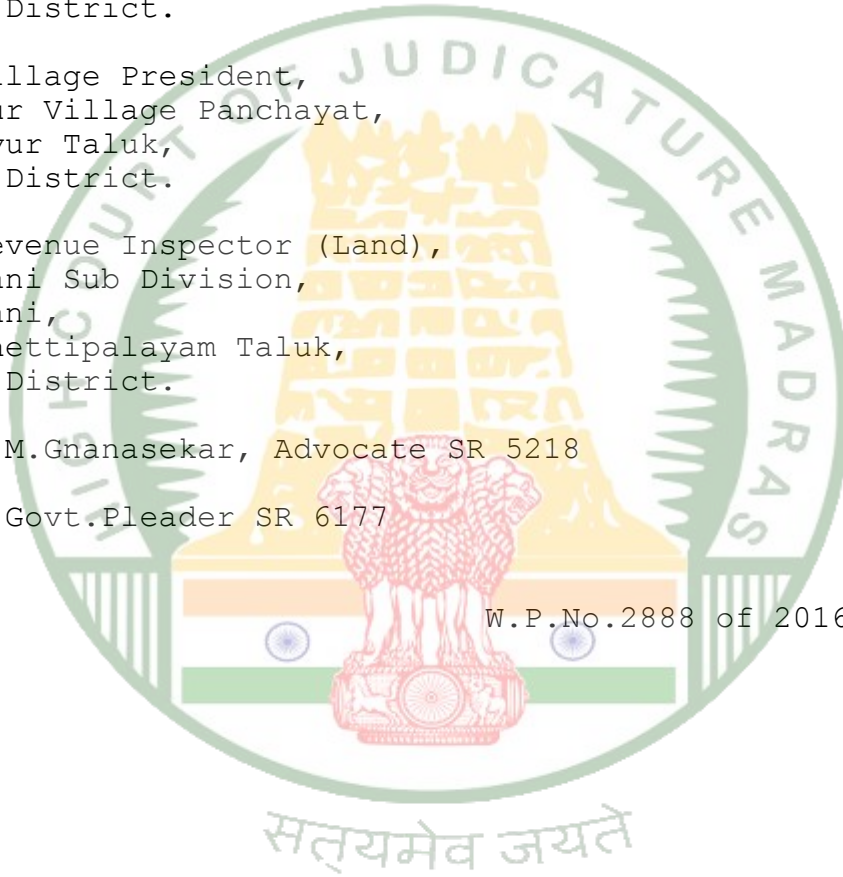
Sub-Assistant Registrar

To

1. The District Collector,
Erode District,
Erode.
 2. Revenue Divisional Officer,
Gobichettipalayam,
Erode District.
 3. The Tahsildar (Revenue),
Anthiyur Taluk,
Erode District.
 4. The Village President,
Nagalur Village Panchayat,
Anthiyur Taluk,
Erode District.
 5. The Revenue Inspector (Land),
Aththani Sub Division,
Aththani,
Gopichettipalayam Taluk,
Erode District.
- + 1 cc to M.Gnanasekar, Advocate SR 5218
- + 1 cc to Govt.Pleader SR 6177

ctk(co)
prk1/2

W.P.No.2888 of 2016



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