

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2016

CORAM

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

Writ Petition No.30367 of 2016
and WMP.No.26333 of 2016

E.Manjualambigal @ ManjulaPetitioner
Vs.

1.The District Collector
Office of the District Collector
Kanchipuram District
Kanchipuram

2.The Revenue Divisional Officer
Chengalpattu
Kanchipuram District

3.The Thasildar
Thirupporur
Kanchipuram District

4.The Revenue Inspector
Mambakkam
Thirupporur
Kanchipuram District

5.The Block Development Officer
Village Panchayats
Ponmar Village
Chennai-600 127

6.The Village Administrative Officer
Ponmar village, Thirupporur Taluk
Kanchipuram District.Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the notice of the 4th and 6th respondents issued under Section 7 of the Land Encroachment Act 1905 dated 18.08.2016 and quash the same and consequently, direct the respondents not to remove any portion of the petitioner's property bearing Patta No.354, Ponmar Village, Thirupporur Taluk, Kanchipuram District.

For Petitioner : Mr.C.Venkatesan

For Respondents : Mrs.A.Srijayanthi, Spl.Govt.Pleader
for R1 to R4 and R6
Mr.T.N.Rajagopalan, for R5

O R D E R

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

Heard Mr.C.Venkatesan, learned counsel for the petitioner, Mrs.A.Srijayanthi, learned Special Government Pleader, accepting notice for respondents 1 to 4 and 5 and Mr.T.N.Rajagopalan, learned counsel for the 5th respondent.

2. On a perusal of the documents placed before this court, it is seen that the impugned notice dated 18.08.2016 issued under Section 7 of the Land Encroachment Act, 1905, has been improperly issued, while enquiry proceedings were pending before the authorities.

3. In view of the foregoing reasoning, the impugned order dated 18.08.2016 is set aside. It is for the respondents/authority to proceed in accordance with law, by following the rules prescribed under the Tamil Nadu Land Encroachment Act and after issuing notice to the petitioner and giving opportunity of hearing. Further, the petitioner is directed to give his reply to the notice issued by the authorities, raising all the contentions left open to him.

4. The Writ Petition is ordered on the above terms. No costs. Consequently, connected WMP is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The District Collector
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Kanchipuram

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Ponmar village, Thirupporur Taluk
Kanchipuram District.

+1 cc to Govt.Pleader,sr.49820

+1 cc to mr.C.Venkatesan,advocate,sr.49359.

ca(co)
krd 29/9

Writ Petition No.30367 of 2016



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