

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.31378 of 2016

and

WMP.Nos.27233 & 27234 of 2016

M.Devaki

... Petitioner

-vs-

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tasildhar,
Thiruvallur Taluk,
Thiruvallur District.

3.The Revenue Inspector,
Thiruvur Firka,
Thiruvallur Taluk & District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus by calling for the concerned records relating to the Eviction Order No.NIL dated 31.08.2016 passed by the third respondent to evict the petitioner from her house situate in S.F.No.204, 87, Veppampattu village, Thiruvallur Taluk and quash the same and consequently direct the second respondent to issue patta for the petitioner's house situated in S.No.204, 87, Veppampattu village, Thiruvallur Taluk, Sevvapet Village, Thiruvallur Taluk.

For Petitioner : Mr.I.Paranthamen

For Respondents : Mr.R.Vijayakumar
Addl. G.P. for R1 to R3

* * * * *

O R D E R
(Order of the Court was made by The Hon'ble Chief Justice)

The learned Additional Government Pleader concedes that in pursuance to the fresh proceedings initiated by notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 20.05.2015, there has been no order passed under Section 6 of the said Act. If adverse orders are passed against the petitioner, the petitioner would naturally get a right of appeal under Section 10(A) of the said Act.

2. Thus, it transpires that without conclusion of these proceedings, also keeping in mind the first proceedings, which were set at naught in appeal, the public notice dated 31.08.2016 could not have been issued qua the petitioner or similarly situated persons. We say similarly situated persons, as it appears that the proceedings are against more than one person (petitioner) and thus, all sail in the same boat.

3. In view of the aforesaid, the learned Additional Government Pleader states that no action will be taken in pursuance to the public notice till such time as the proceedings are concluded and an order is passed under Section 6 of the said Act of course subject to further right of appeal of the petitioner and similarly situated persons.

4. We take the aforesaid statement on record.

5. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.Nos.27233 & 27234 of 2016 are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

bbr

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

WEB COPY

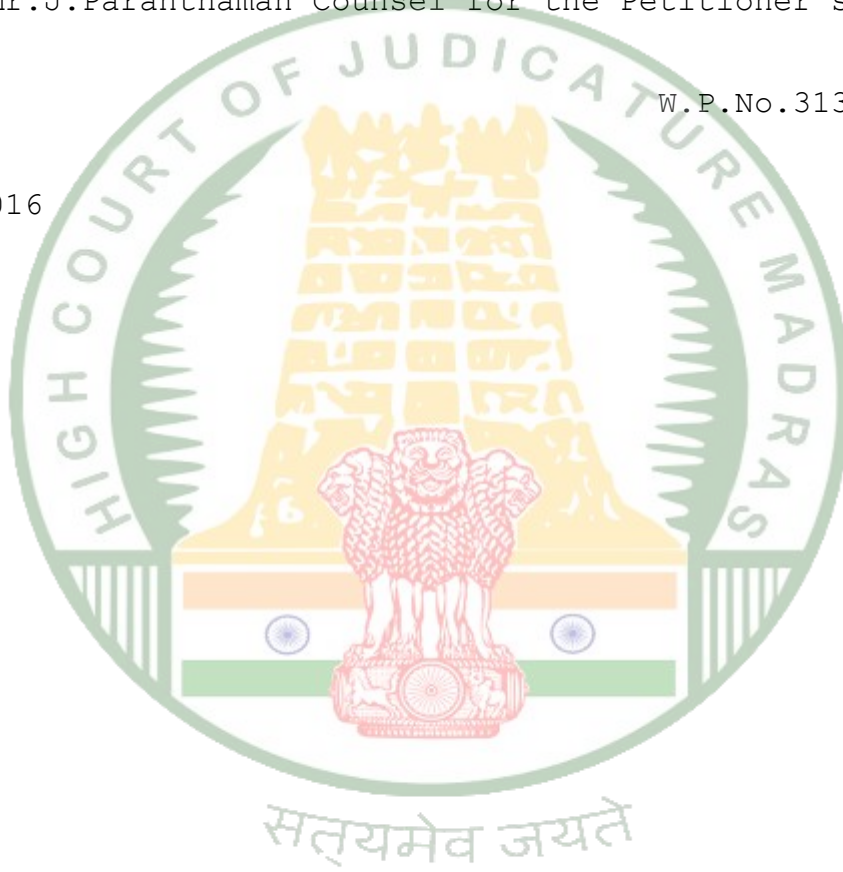
2.The Tasildhar,
Thiruvallur Taluk,
Thiruvallur District.

3.The Revenue Inspector,
Thiruvur Firka,
Thiruvallur Taluk & District.

+1 cc to Mr.J.Paranthaman Counsel for the Petitioner sr 58492

W.P.No.31378 of 2016

aa24/10/2016



WEB COPY