

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31509 of 2016 and
WMP.Nos.27349 & 27350 of 2016

K.Arumugam @ Arumugasamy

...Petitioner

Vs.

- 1 The Tashildhar
Taluk Office, Bounagiri, Chidambaram Taluk,
Cuddalore District, Tamilnadu.
- 2 Head Land Surveyor
Taluk Office, Bounagiri, Chidambaram Taluk,
Cuddalore District, Tamilnadu.
- 3 Revenue Inspector
Sethiyathope, Chidambaram Taluk, Cuddalore
District, TamilNadu.
- 4 Revenue Divisional officer,
Taluk Office, Bounagiri, Chidambaram Taluk
Cuddalore District, TamilNadu.
- 5 The Assistant Engineer
(Irrigation) Public Works Department
Sethiyathope, Chidambaram Taluk, Cuddalore
District.

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorari, to call for the records of the 5th respondent in notice of order to remove encroachment dated 22.8.2016 in Form III under Section 6(1) of The Tamil Nadu Land Encroachment Act 1905 issued to the petitioner by the 5th respondent and quash the same as illegal.

For Petitioner : Mr.P.R.Raman for
Mr.J.Suresh

For Respondent : Mr. K.Dhananjayan
Spl.G.P

ORDER

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

Heard the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader, accepting notice for respondents 1 to 5.

2. The Writ Petitioner has challenged the Notice in Form III issued under Section 6(1) of The Tamil Nadu Land Encroachment Act 1905, wherein, the 5th respondent has directed the petitioner to remove the encroachment from the lands mentioned therein.

3. We have gone through the averments made in the affidavit and also the impugned Notice in Form III. It is for the petitioner to approach the District Collector under Section 10-A of the Tamil Nadu Land Encroachment Act by way of appeal, as against the said Notice within 15 days from the date of receipt of a copy of this order. The District Collector, shall consider, hear and dispose of the appeal, filed by the Petitioner, within 2 months thereafter, after conducting a detailed enquiry and survey in this regard with the help of the other respondents. Till final orders are passed in the appeal, there shall be an order of status quo.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected MPs are closed.

(H.G.R., J.) (K.R.C.B., J.)

09.09.2016

nvsri

To

1 The Tashildhar
Taluk Office, Bounagiri, Chidambaram Taluk,
Cuddalore District, Tamilnadu.

**HULUVADI G. RAMESH,J.
and
K.RAVICHANDRABAABU,J.**

nvsri

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