

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.3614 of 2016 and M.P. No.2982 of 2016

V.M. Thomas

Petitioner

Vs.

1 The Tahsildar
69, Nelveli Village
Uthiramerur Taluk
Kanchipuram District
Pin Code 603 107

2 The Village Administrative Officer
69, Nelveli Village
Uthiramerur Taluk
Kanchipuram District
Pin Code 603 107

3 The Revenue Inspector
Kunnavakkam
Uthiramerur Taluk
Pin Code 629 477

4 The District Collector
Collectorate, Kancheepuram
Pin Code 631 501

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus, calling for the records relating to the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act issued by the first respondent dated 18.11.2015 and quash the same and consequently, direct the respondents to give the petitioner herein an opportunity to be heard in person on his several representations.

For petitioner Mr. Jayesh B. Dolia
for M/s. Aiyar and Dolia

For respondents Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. 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 Impugning the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") and for a consequential direction to the respondents to give him an opportunity of hearing, the petitioner has come up with this writ petition.

3 Concededly, before issuance of the impugned notice under Section 6 of the Act, the petitioner was given a prior notice as contemplated under Section 7 of the Act in the form of show cause notice. However, the petitioner has inter alia contended that while issuing the impugned notice, the authority has not considered his reply to the notice under Section 7 of the Act.

4 Be that as it may, under the provisions of the Act, as against the notice issued under Section 6 of the Act, there is a provision for statutory appeal under Section 10 of the Act before the District Collector. Further, under Section 10-B of the Act, the petitioner is also entitled to seek interim relief, in the facts of the case.

5 In such view of the matter, no extraordinary circumstance has arisen to entertain the instant writ petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Thus, we dispose of the writ petition, reserving liberty to the petitioner to prefer appeal under Section 10 of the Act challenging the notice impugned herein and also interlocutory application seeking stay under Section 10-B of the Act, if so advised. For a period of two weeks, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties. Costs made easy. Connected W.M.P. is closed.
cad

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1 The Tahsildar
69, Nelveli Village
Uthiramerur Taluk
Kanchipuram District, Pin Code 603 107

2 The Village Administrative Officer
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Kanchipuram District
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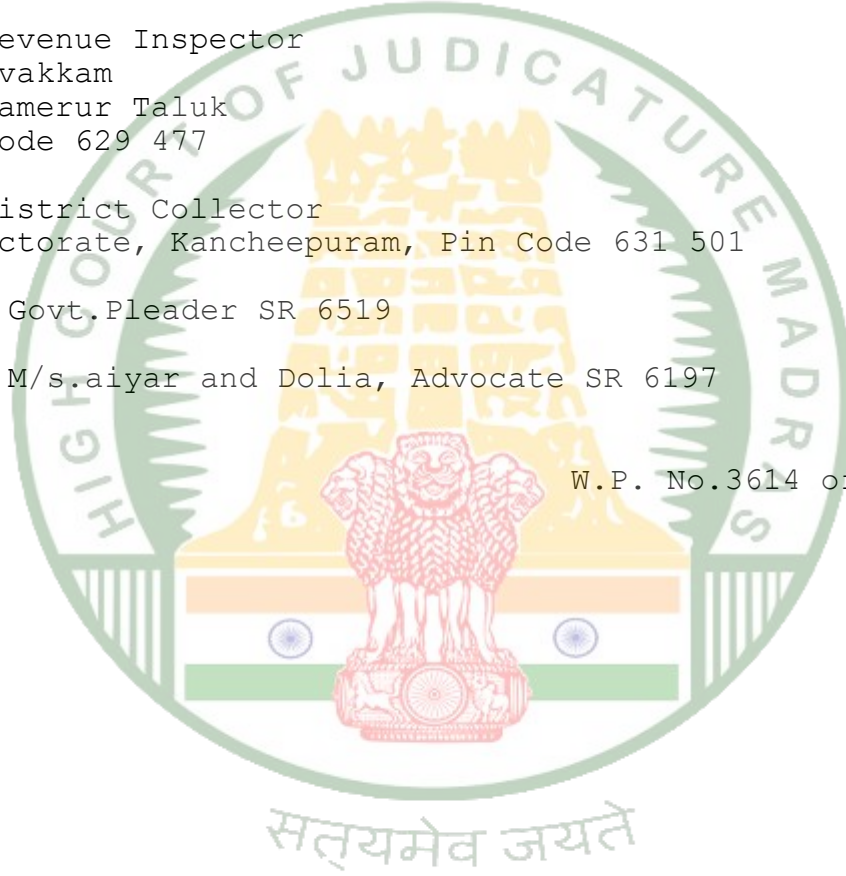
4 The District Collector
Collectorate, Kancheepuram, Pin Code 631 501

+ 1 cc to Govt.Pleader SR 6519

+ 1 cc to M/s.aiyar and Dolia, Advocate SR 6197

ksj(co)
prk2/2

W.P. No.3614 of 2016



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