

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM

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

W.P. No.4088 of 2016
and
W.M.P.No.3420 of 2016

Loganayaki ... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Kancheepuram,
Kancheepuram District.

2.The Tahsildar,
Vandalur,
Chengalpet Taluk,
Kancheepuram District.

3.The Revenue Inspector,
Vandalore Division,
Chengalpet Taluk,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent herein relating to the order dated 22.01.2016 under Section 6 of the Land Encroachment Act (3) of 1905 in respect of 5 cents of land in Survey No.110/1B of Ayyencherry Village, Kancheepuram District and quash the same and forbear the respondents herein from in any manner evicting the petitioner herein from the said property.

For Petitioner ..Mr.K.S.Arumugam
for M/s.AL.Gandhimathi

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader

ORDER

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

Ms.A.Srijayanthi, learned Special Government Pleader accepts notice on behalf of the respondents. With the consent of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents, the writ petition is taken up for final disposal.

2.Assailing the order of the second respondent dated 22 January 2016, whereunder, the petitioner was directed to vacate the land in Survey No.110/1B of Ayyencherry Village, Kancheepuram District, the present writ petition is filed.

3.The case of the petitioner is that despite the direction of this Court in the earlier writ petition filed by the petitioner in W.P.No.21657 of 2015 dated 28 July 2015, to pass an order adverting to each and every averment/ issue raised by the petitioner, the second respondent has passed the impugned order in the same casual manner, without adverting to any of the objections raised by the petitioner. Thus filing of a representation/objection has become a sheer futility and the impugned order amounts to contempt of Court.

4.Learned Special Government Pleader appearing for the respondents submits that the impugned order dated 22 January 2016 may be quashed and liberty may be given to the second respondent/Tahsildar to pass a reasoned order, as directed by this Court, within a period of two weeks.

5.In view of the above submission made by the learned Special Government Pleader, the impugned order dated 22 January 2016 is quashed and the writ petition is disposed of with a direction to the second respondent/Tahsildar to pass a fresh reasoned order as directed by us on 28 July 2015 in W.P.No.21657 of 2015, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
District Collector Office,
Kancheepuram,
Kancheepuram District.

2.The Tahsildar,
Vandalur,
Chengalpet Taluk,
Kancheepuram District.

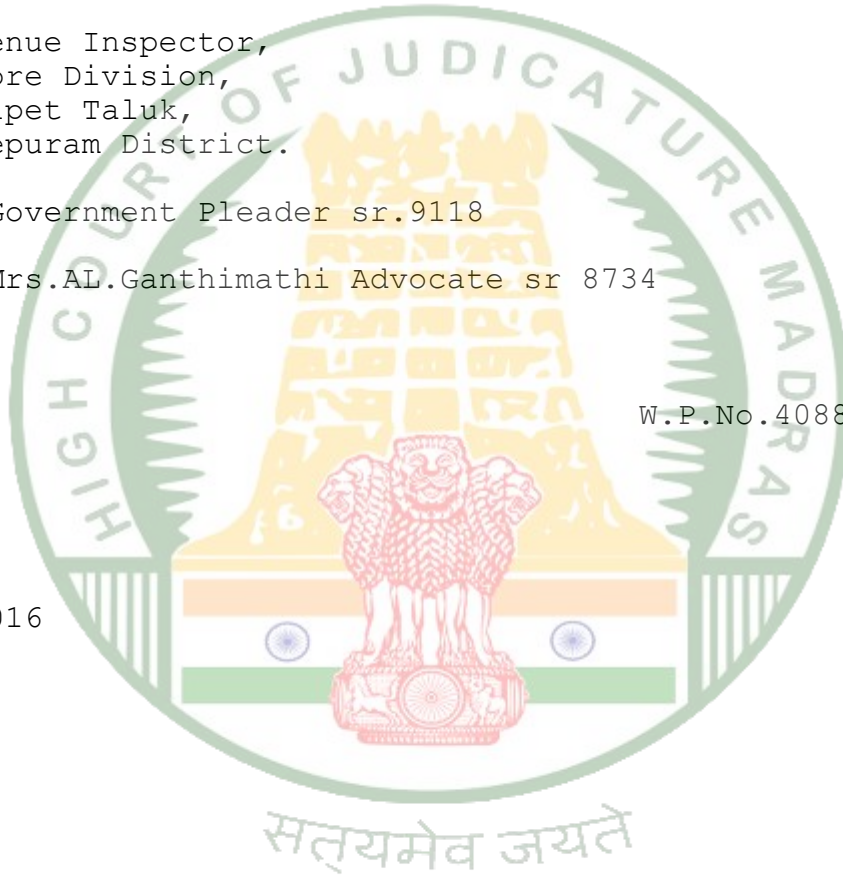
3.The Revenue Inspector,
Vandalore Division,
Chengalpet Taluk,
Kancheepuram District.

+1 cc to Government Pleader sr.9118

+1 cc to Mrs.AL.Ganthimathi Advocate sr 8734

W.P.No.4088 of 2016

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