

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

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

W.P. No.685 of 2016
and

W.M.P.No.506 of 2016

G.Latha

... Petitioner

Vs.

1. The Thasildar,
Office of Thiruthuraipoondi Taluk,
Thiruvarur District.
2. The District Collector,
Office of the District Collectorate,
Thiruvarur District.
3. The Secretary to the Government,
Public Works Department,
Fort St. George, Chennai - 5.

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records in Na.Ka.5396/A2/2015 dated 28.12.2015 on the file of the first respondent and quash the same as illegal, arbitrary, against the law.

For Petitioner : Ms.A.Vinupradha
for Mr.D.Veerasekaran

For Respondents : Ms.A.Srijayanthi,
Special Government Pleader

ORDER

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

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.Impugning the notice issued under Section 6(1) of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act'), the petitioner has come up with this writ petition.

3.Concededly, before issuance of the impugned notice under Section 6(1) of the Act, the petitioner was given prior notice as contemplated under Section 7 of the Act in the form of show cause notice. After considering the case of the petitioner, the instant impugned notice was issued.

4.Under the provisions of the Act, as against the notice issued under Section 6 of the Act, statutory appeal under Section 10 of the Act will lie 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.

6.Thus, we dismiss 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 applications 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. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Thasildar,
Office of Thiruthuraipoondi Taluk,
Thiruvarur District.
2. The District Collector,
Office of the District Collectorate,
Thiruvarur District.
3. The Secretary to the Government,
Public Works Department,
Fort St. George,
Chennai - 5.

+lcc to Mr.D.Veerasekaran, Advocate, S.R.No.6973

+lcc to the Government Pleader, S.R.No.7177

W.P.No.685 of 2016

MSM(CO)
CA(23/02/2016)



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