

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2016

CORAM

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

W.P. No.9952 of 2016

and

W.M.P.No.8928 of 2016

Sevi Gounder

Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Mettur, Salem District.

3.The Tahsildar,
Omalur Taluk,
Omalur, Salem District.

4.The Revenue Inspector,
Kadayampatty,
Omalur Taluk, Salem District.

5.The Village Administrative
Officer, Nadupatty Village,
Omalur Taluk, Salem 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 relating to the notice dated 08.02.2016 issued by the fourth respondent under Section 7 of The Tamil Nadu Land Encroachment Act, 1905, quash the same and forbear the respondents from evicting the petitioner from the residential houses bearing Door Nos.9/210(A) and 9/210(B) comprised in Old S.No.71 and New Natham S.No.290/1, Nadupatty Village, Omalur Taluk, Salem District.

For Petitioner .. Mr.P.Mani

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader

ORDER

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

Mr.P.S.Sivashanmugha Sundaram, 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.Feeing aggrieved by the notice issued under Section 7 of the Land Encroachment Act, 1905, whereunder, the petitioner has been called upon to show cause as to why he should not be levied with absolute kist as well as kist as per Section 3(ii) read with Section 5 of the Land Encroachment Act, 1905 and also to remove the encroachment from the Government land, the petitioner has come up with this writ petition.

3.According to the petitioner, the land in question is a private land.

4.Be that as it may, when the notice is in the nature of show cause notice, at this stage, no observation on merits can be made. The petitioner is at liberty to place his case before the authority, who issued show cause notice. The authority is directed to consider the objections and issues raised by the petitioner before passing the order under the provisions of law.

5.With the aforesaid observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mmi

To

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Mettur, Salem District.

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3.The Tahsildar,
Omalur Taluk,
Omalur, Salem District.

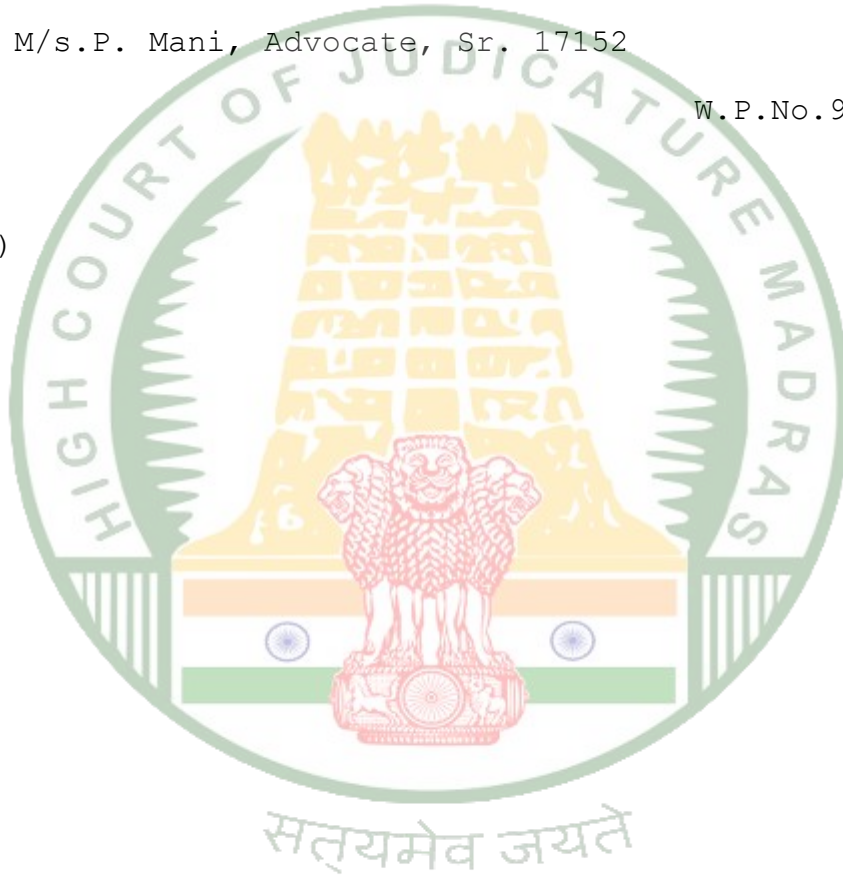
4.The Revenue Inspector,
Kadayampatty,
Omalur Taluk, Salem District.

5.The Village Administrative
Officer, Nadupatty Village,
Omalur Taluk, Salem District.

1 cc to M/s.P. Mani, Advocate, Sr. 17152

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