

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.4037 of 2017

V.Bhaskaran

... Petitioner

Vs.

1. The Assistant Executive Engineer
Public Works Department
Construction Sub Division
North Coimbatore
Coimbatore.

2. The Tahsildhar
Coimbatore North
Coimbatore.

... Respondents

PRAYER: Petition 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 on 29.11.2016 by the 1st respondent under section 6 of the Chennai Act III of 1905, to quash the same and forbear the 1st respondent from evicting the petitioner from the premises constructed in Coimbatore Puliakulam S.F.No.1326/13.

For Petitioner : Mr.C.Deivasigamani

For Respondents : Mr.M.K.Subramanian
Government Pleader

ORDER

(Order of the Court was made by the Acting Chief Justice)

The petitioner has filed this writ petition calling into question the notice dated 29.11.2016 issued by the first respondent under Section 6 of the Tamil Nadu Land

Encroachment Act, 1905, whereby the petitioner was directed to hand over the vacant land within seven days, failing which eviction proceedings were directed to be initiated.

2. It is the case of the petitioner that he had obtained electricity service connection and is residing in the said premises for over 60 years and therefore his eviction would cause undue hardship.

3. It is not in dispute that against the order impugned in the writ petition there is an appellate remedy available to the petitioner under Section 10 of the Tamil Nadu Land Encroachment, Act, 1905. In such circumstances, it is for the petitioner to approach the appropriate forum so that he will have an opportunity to explain his grievance for its redressal. On such appeal being filed, the appellate authority shall consider the same in accordance with law and pass appropriate orders within three months from the date of filing of such appeal. The petitioner is at liberty to raise all the grounds raised in the present writ petition before the appellate authority.

The writ petition stands disposed of accordingly. No costs. Consequently, W.M.P.No.4186 of 2017 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Assistant Executive Engineer
Public Works Department
Construction Sub Division
North Coimbatore
Coimbatore.

2. The Tahsildhar
Coimbatore North
Coimbatore.

+1cc to Mr.C.Deivasigamani, Advocate Sr.10538

W.P.No.4037 of 2017

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srg 27/2/2017