

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2017

CORAM

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

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5489 of 2017

Geetha Joseph

.. Petitioner

Vs

The Tahsildar
Ayanavaram Taluk
United India Colony
Ayanavaram
Chennai - 600 023.

.. Respondent

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of the respondent in A1/33650/2013, dated 21.02.2017 and quash the same as illegal, unlawful, without jurisdiction and ultra vires and consequently forbear the respondent, his men, agents, servants, etc. or any one acting on his behalf from in any manner interfering or disturbing the petitioner's peaceful possession, occupation and enjoyment in respect of 128 sq.ft. of land that consists of compound wall and building forming part of the larger extent of land and building at Plot No.1-A, 5th Street, Venus Nagar, Kolathur, Chennai-600 099.

For Petitioner

: Mr.T.S.Rajamohan

For Respondent

: Mr.M.K.Subramanian
Government Pleader

ORDER

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

Mr.M.K.Subramanian, learned Government Pleader takes notice for the respondent.

2. Assailing the notice dated 21.2.2017 issued under Section 7 of the T.N.Land Encroachment Act, 1905 to evict the petitioner from the land of an extent of 128 Sq. Feet, the present writ petition is filed on the ground that the petitioner purchased the property under a registered sale deed and she has put up superstructure after obtaining necessary planning permission from the authorities concerned. It is her plea that the impugned notice pertains to the property in T.S.No.21/1 (Block No.2), whereas she is the owner of the property in T.S.No.20 (Block No.2) and patta has also been granted to her and, therefore, the impugned order is liable to be set aside.

3. On hearing learned counsel for the parties, we are of the view that this writ petition is premature. By the impugned notice, the petitioner is called upon to show cause as to why she should not be subjected to eviction. It is for the petitioner to submit a reply to the respondent authorities in this regard along with relevant documents and the respondent authorities shall consider the same and pass appropriate orders in accordance with law. All the grounds raised in this petition can be urged before the competent authority. We make it clear that it is for the petitioner to remove the encroachment if any in T.S.No.21/1 or else the respondent authority is at liberty to proceed in accordance with law.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5845 of 2017 is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

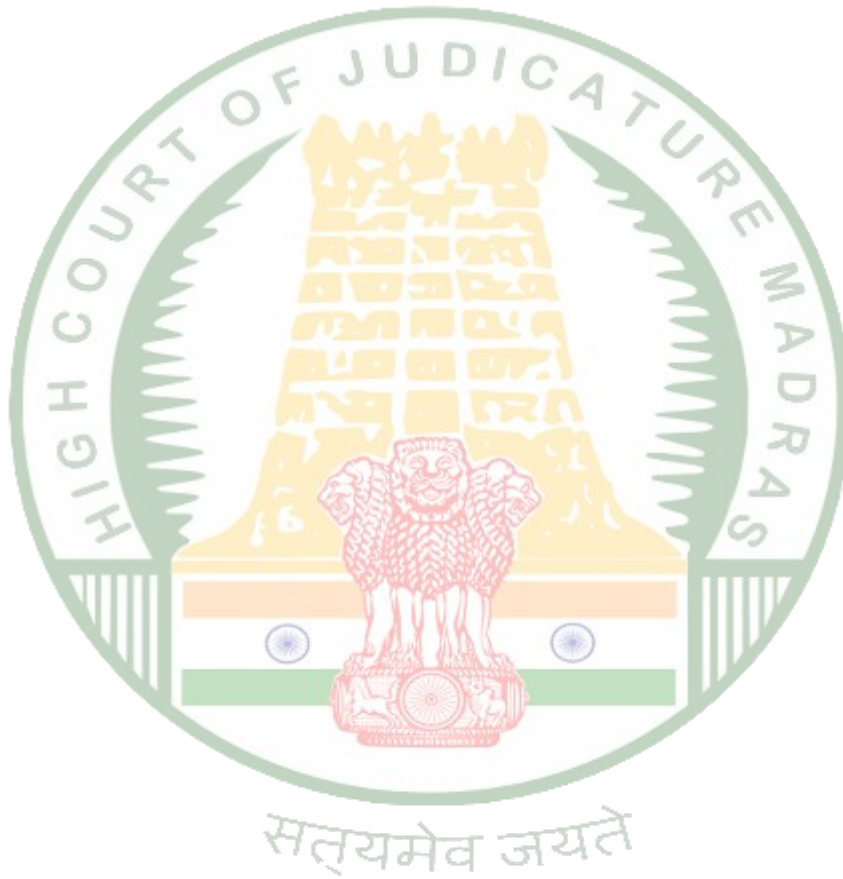
To:

The Tahsildar
Ayanavaram Taluk
United India Colony
Ayanavaram
Chennai - 600 023

+1cc to M/S. T.S. Rajamohan, Advocate Sr.14330
+1cc to the Government Pleader Sr. 14704

W.P.No.5489 of 2017

CP (CO)
VR(20/03/2017)



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