

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.13410 of 2017
and W.M.P.Nos.14448 & 14449 of 2017

Vikash Mittal

... Petitioner

Vs.

1. State of Government of Tamil Nadu
rep by its Principal Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Office of the District Collector,
Thiruvallur District, Thiruvallur.
3. The Tahsildar,
Thiruvottiyur Taluk Office,
Thiruvallur District.
4. The Revenue Inspector,
Manali Revennue Firka,
Thiruvottiyur Taluk Office,
Thiruvallur District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned notice in Ref.No.179/2017/B1 dated 28.04.2017 on the file of the 4th respondent in respect of petitioner's land in S.No.29/1 of an extent of 924 sq.mts and quash the same and forbear the respondents from interfering with the petitioner's possession and enjoyment of the land in S.No.29/1 of an extent of 924 sq.mts situate at Sadayankuppam Village, Tiruvottiyur Taluk, Tiruvellore District the subject matter in the impugned notice Ref.No.179/2017/B1 dated 28.04.2017 on the file of the 4th respondent.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
(R1 to R4)

O R D E R
(Order of the Court made by M.M.SUNDRESH, J.)

What is put to challenge in this Writ Petition is the notice to show cause for the alleged removal under Section 7 of the Land Encroachment Act, 1905, which is not maintainable in the eye of law. A final adjudication would come only when an order is passed under Section 6 of the said Act.

2. In such view of the matter, we are not inclined to entertain the Writ Petition. However, considering the facts and circumstances, the petitioner is given a further period of four weeks to give a suitable reply. On receipt of the same, the 4th respondent will have to pass a final order within a further period of four weeks. It is needless to say that within such time, the petitioner shall not be evicted. It is made clear that this order is passed on the premise that no order is already passed under Section 6 of the Act. It is also made clear that if an order under the said Act has already been passed, this order will not have any effect.

3. With the above observation, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (V.O)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
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