

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.3821 of 2017

S.Sultana

.. Petitioner

Vs.

1. The Commissioner
Chennai City Municipal Corporation
Rippon Building
Chennai - 600 003.

2. The District Collector
NH 205, India, Thiruvallur
Tamil Nadu - 602 001.

3. The Revenue Divisional Officer
Ambattur.

4. The Tahsildar
Ambattur Taluk.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents not to demolish the petitioner's superstructure in door numbers 34A/13A Kavitha Street, Park Road, U.R.Nagar, Padi, S.No.15, Block No.63, Ambattur Taluk, Thiruvellore District without following the procedure and guidelines issued by the State Government in G.O.(Ms).No.540, Revenue (LD6(2)) Department, dated 04.12.2014.

For Petitioner : Mr.V.Raghupathi

For Respondents : Mr.A.Nagarajan
for 1st respondent

Mr.M.K.Subramanian
Government Pleader
for respondents 2 to 4

ORDER

(Order of the Court was made by the Huluvadi G.Ramesh,J.)

The learned Government Pleader has produced before us the site plan of the area showing the water canal and the encroachments removed. It is stated that though the petitioner has patta land, she also encroached on water canal, for which initially notice was issued under Section 7 of the Land Encroachment Act, 1905 on 12.1.2017, and since the petitioner refused to receive the same, the same was pasted, following which notice dated 30.1.2017 under Section 6 of the said Act was issued, which was also pasted.

2. On the other hand, the learned counsel for the petitioner states that the petitioner has not received any notices and, thus, she had no opportunity to put forth her case.

3. In order to avoid further controversy on the issue of receipt of notices, copies of Section 7 and Section 6 notices have been handed over to the learned counsel for the petitioner. The petitioner may file their reply to Section 7 notice on or before 6.3.2017 and on consideration of the reply, it would be decided whether notice under Section 6 of the said Act should be issued or not. The notice issued under Section 6 of the said Act dated 30.1.2017 is, thus, quashed.

The writ petition stands disposed of accordingly. No costs. Consequently, W.M.P.No.3891 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sasi

To:

1. The Commissioner
Chennai City Municipal Corporation
Rippon Building
Chennai - 600 003.

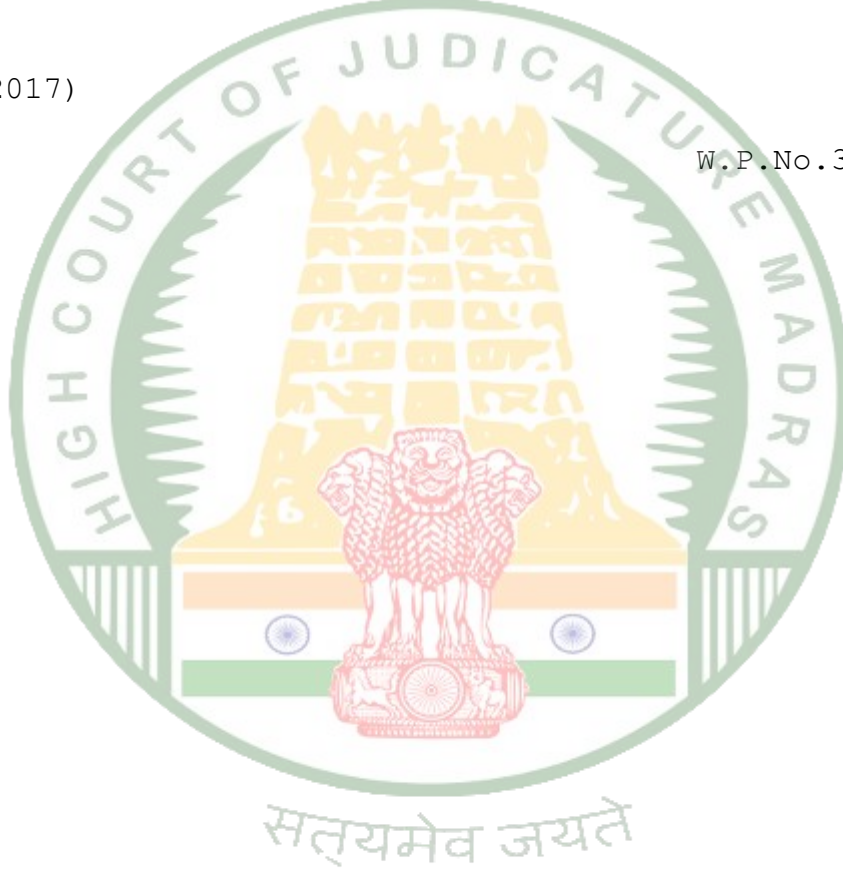
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2. The District Collector
NH 205, India, Thiruvallur
Tamil Nadu - 602 001.
3. The Revenue Divisional Officer
Ambattur.
4. The Tahsildar
Ambattur Taluk.

+1cc to Mr.Raghupathi, Advocate, S.R.No.10350
+1cc to the Government Pleader, S.R.No.10474

SS(CO)
RS(01/03/2017)

W.P.No.3821 of 2017



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