

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.08.2017
Coram

The Hon'ble Mr. Justice M.DHANDAPANI

Writ Petition No. 31188 of 2004
and
W.M.P.No.37789 of 2004

Jayamoorthy

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep. by its Secretary
Fisheries Department,
Fort St. George, Chennai-600 009.
- 2.The District Collector,
Villupuram District.
- 3.The Tahsildar, Office of the Tahsildar
Tindivanam, Villupuram District.
- 4.The Village Administrative Officer,
Nadukuppam (East)
Tindivanam Taluk,
Villupuram District.
- 5.The Revenue Inspector,
Siruvadi Pirka
Tindivanam Taluk,
Villupuram District.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act 1905, on 12.09.2004 by the Tahsildar, Tindivanam the third respondent herein and quash the same and direct respondents 2, 3 and 5 i.e., The District Collector, Villupuram, The Tahsildar, Tindivanam, the Revenue Inspector, Siruvadi Pirka respectively their subordinates or any person acting under them not to take any coercive steps to evict the petitioner from the land under the petitioner's occupation in Survey No.680-2, 658/- 682/- to an extent of 0.50.0, 0.30.0, 1.36.0 acres respectively of Nadukuppam (East) Village, Tindivanam Taluk, Villupuram District and consequently directing

the second respondent to grant lease in favour of the petitioner in respect of the aforesaid land on the basis of the petitioner's application submitted to the second respondent on 06.08.2003.

For Petitioner :No appearance

For Respondents :Mrs.K.Bhuvaneswari
Government Advocate

O R D E R

There is no representation for the petitioner. Heard the learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition challenging the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. The learned counsel appearing for the petitioner fairly conceded that after issuing the show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the respondent passed the impugned notice under Section 6 of the the Tamil Nadu Land Encroachment Act, 1905, dated 12.09.2004, calling upon the petitioner to remove the encroachments. Admittedly, there is no violation of the procedure contemplated in the Tamil Nadu Land Encroachment Act, 1905.

4. It is submitted by the learned Government Advocate that after the issuance of notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, there is appeal remedy available before the appellate authority.

5. In view of the submission made by the learned Government Advocate and without going into the merits of the case, this writ petition is dismissed with liberty to the petitioner to approach the appellate authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

nmm

Sd/-
Assistant Registrar [CS III]

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Secretary to the
Government of Tamil Nadu,
Fisheries Department,
Fort St. George, Chennai-600 009.

2.The District Collector,
Villupuram District.

3.The Tahsildar, Office of
the Tahsildar
Tindivanam, Villupuram District.

4.The Village Administrative Officer,
Nadukuppam (East)
Tindivanam Taluk,
Villupuram District.

5.The Revenue Inspector,
Siruvadi Pirka
Tindivanam Taluk,
Villupuram District.

+1CC to Govt Pleader SR.NO.59932, 58885

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31188 of 2004

GJ[CO]
MK:27/10/2017



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