

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31323 of 2004

Smt.Parimala Muthu ... Petitioner

Vs.

1.The Collector,
Villupuram District,
Villupuram 605 602.

2.Assistant Engineer,
P.W.D.,
Water Resource,
Villupuram.

3.The Director of Matriculation School,
D.P.I.Campus,
Chennai 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned notice dated 18.10.2004 read with the notice dated 14.9.2004 issued under Sections 6 and 7 respectively of Act 3 of 1905 by the 2nd respondent herein to the petitioner's husband and to quash the same.

For Petitioner : Mr.G.Chamkiraj

For Respondents : Mr.M.Elumalai

Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of

Writ of Certiorari to call for the records relating to the impugned notice dated 18.10.2004 read with the notice dated 14.9.2004 issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905, by the second respondent to the petitioner's husband and to quash the same.

2. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

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 and after conducting the enquiry, the respondent passed the impugned notice under Section 6 of the the Tamil Nadu Land Encroachment Act, 1905, dated 18.10.2004 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. The learned counsel also fairly submitted 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 and accordingly, prayed that liberty may be given to the petitioner to work out the appeal remedy before the appropriate forum.

4.Considering the limited scope of the prayer now made by the learned counsel appearing for the petitioner 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. No Costs.

28.08.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

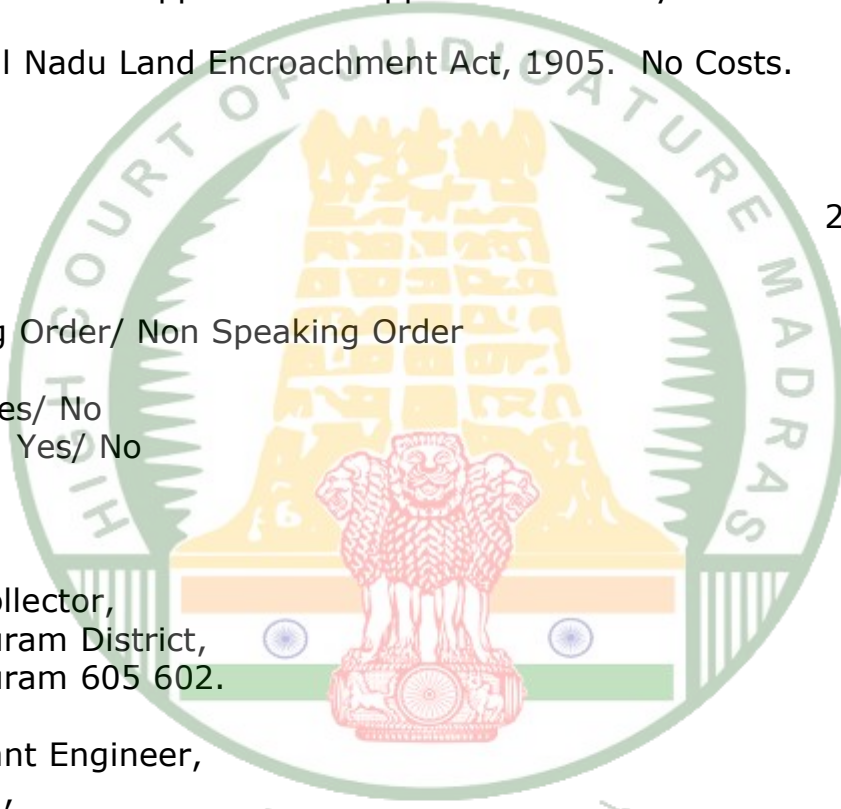
Internet: Yes/ No

To

1.The Collector,
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Villupuram 605 602.

2.Assistant Engineer,
P.W.D.,
Water Resource,
Villupuram.

3.The Director of Matriculation School,
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M.DHANDAPANI,J.
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