

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No. 20030 of 2018

&

W.M.P. No. 23474 of 2018

K.Gopu ...Petitioner

Vs.

1. The District Collector of Kancheepuram,
Cheyyar Kanchipuram Road,
Gandhi Nagar, Thaiyar Kullam,
Kanchipuram - 631 501.
2. The Tahsildar, Mandal Revenue Office,
No.1. 1st cross Street, New Kumaran Nagar
Sholinganallur, Chennai - 600 119.
3. The Revenue Inspector,
Sholinganallur, Chennai - 600 119.
4. K.Venu
5. V.Kalavathy,
6. V.Kalaiselvam

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Certiorari directing to call for
the records from the 3rd respondent pertaining to the impugned
Notice dated 21.07.2018 issued by the 3rd respondent herein, and
to quash the same.

For Petitioner :: Mr.S.V. Jayaraman,
Senior Counsel.
for Mr.T. Dhanasekaran

For Respondents :: Mr.A.N.Thambidurai,
Special Government Pleader.

ORDER

(Order of the Court was made by N.KIRUBAKARAN,J.)

The Petitioner is said to have obtained assignment patta in respect of Survey No.93/13 part to an extent of 912 square feets for the purpose of constructing the house from the District Collector, Kancheepuram on 20.07.2009. Thereafter, the petitioner is said to have put up construction and residing there. When things stands so, the impugned order has been issued under section 7 of Land Encroachment Act, 1905 as if the petitioner has made an encroachment. Therefore, the petitioner has come before this Court.

2. Heard Mr.S.V.Jayaraman, learned Senior Counsel for the Petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader for respondents 1 to 3.

3. Since it is only a show cause notice issued under section 7 of the Land Encroachment Act, the petitioner is at liberty to give a reply within 2 weeks from the date of receipt of a copy of this order. On such reception of reply, the 2nd respondent shall conduct an enquiry and after giving personal opportunity to the petitioner as well as private respondents, pass appropriate orders within 12 weeks thereafter. Till such orders are passed and served on the petitioner, the petitioner's possession should not be disturbed in anyway.

4. The writ petition is disposed of with the above direction. No costs. Connected W.M.P. is closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vkx/nv

To

1. The District Collector of Kancheepuram,
Cheyyar Kanchipuram Road,
Gandhi Nagar, Thaiyar Kullam,
Kanchipuram - 631 501.

2. The Tashildar, Mandal Revenue Office,
No.1. 1st cross Street, New Kumaran Nagar
Sholinganallur, Chennai - 600 119.

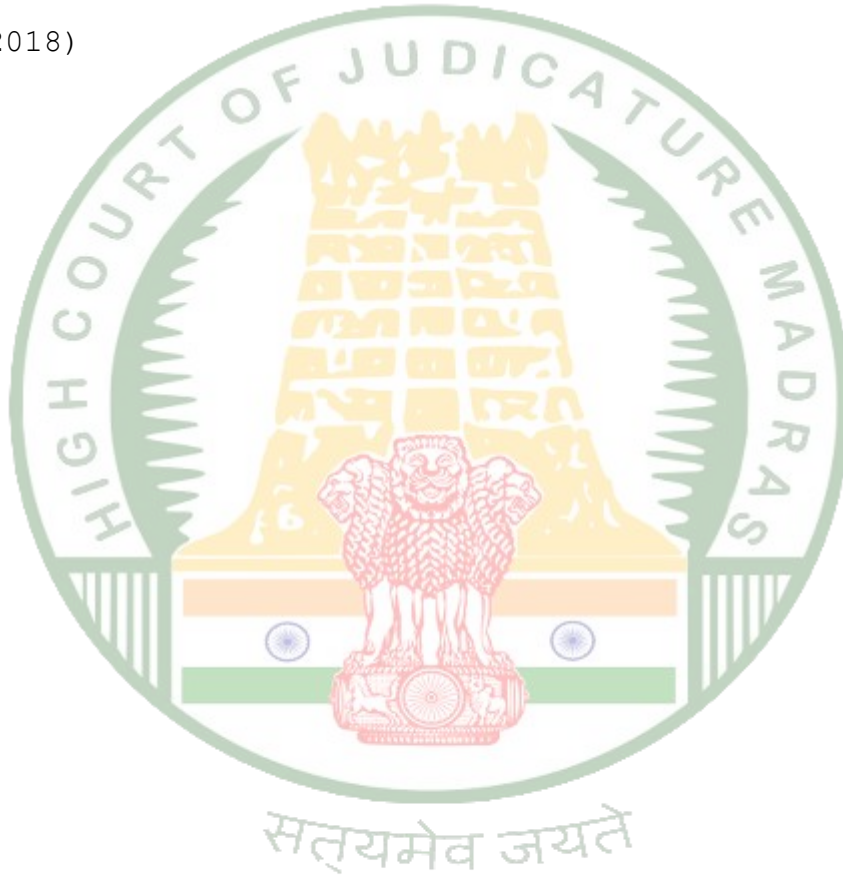
3. The Revenue Inspector,
Sholinganallur, Chennai - 600 119.

+1 cc to Mr.T. Dhanasekaran, Advocate sr 53363.

+1 cc to Govt. Pleader sr 54290.

W.P.No.20030 of 2018

PP (CO)
SP (10/10/2018)



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