

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.4199 of 2018

and

WMP No.5142 of 2018

N.Usharani

... Petitioner

vs.

1. The District Collector,
Coimbatore,
O/o. District Collector, Coimbatore,
Coimbatore.

2. The Tahsildar / Revenue Inspector,
Coimbatore North Circle,
Coimbatore.

... Respondents

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorari, calling for the records leading to the passing of the impugned notice dated 09.02.2018 by the 2nd respondent in Survey No.574/1, 574/2 and quash the same.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mr.A.N.Thambi Durai
Special Government Pleader

ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

Being aggrieved by the notice dated 09.02.2018, issued under Section 7 of the Land Encroachment Act, 1905, instant writ petition has been filed to quash the same.

2. In response to the above notice, petitioner is stated to have sent a reply (Monday Petition) dated 12.02.2018 to the District Collector, Coimbatore District, 1st respondent As per the Petition Processing Portal (PPP) - Collectorate - Acknowledgment, the concerned officer is the Thasildar, Coimbatore-North. Petitioner ought to have sent a reply only to the Tahsildar, Coimbatore-North. Instead he has sent a reply dated 12.02.2018 to the District Collector, Coimbatore District, 1st respondent requesting to withdraw the notice.

3. Inasmuch as reply has been acknowledged, the same requires to be forwarded by the office of the District Collector, Coimbatore, to the Thasildar, CoimbatoreNorth Circle, Coimbatore, 2nd respondent herein, for passing orders.

4. Though, the petitioner has contended that he has filed a suit in O.S.No.338 of 2014 on the file of the learned District Munsif, Coimbatore and obtained an order of injunction, against another private party and also claimed right over the same, by payment of property tax and other incidental charges, inasmuch as notice under Section 7 of the Act, has been responded, we refrain ourselves from going into the merits of the same.

5. We direct that the reply dated 12.02.2018, sent to the 1st respondent be forwarded to the Thasildar, Coimbatore-North Circle, Coimbatore, within one week from the date of receipt of a copy of this order, if not done earlier and on receipt of the same, the Thasildar, Coimbatore-North Circle, Coimbatore, the 2nd respondent is directed to pass orders on merits and in accordance with law, within a period not exceeding three weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ars

To

1. The District Collector,
Coimbatore,
O/o. District Collector, Coimbatore,
Coimbatore.

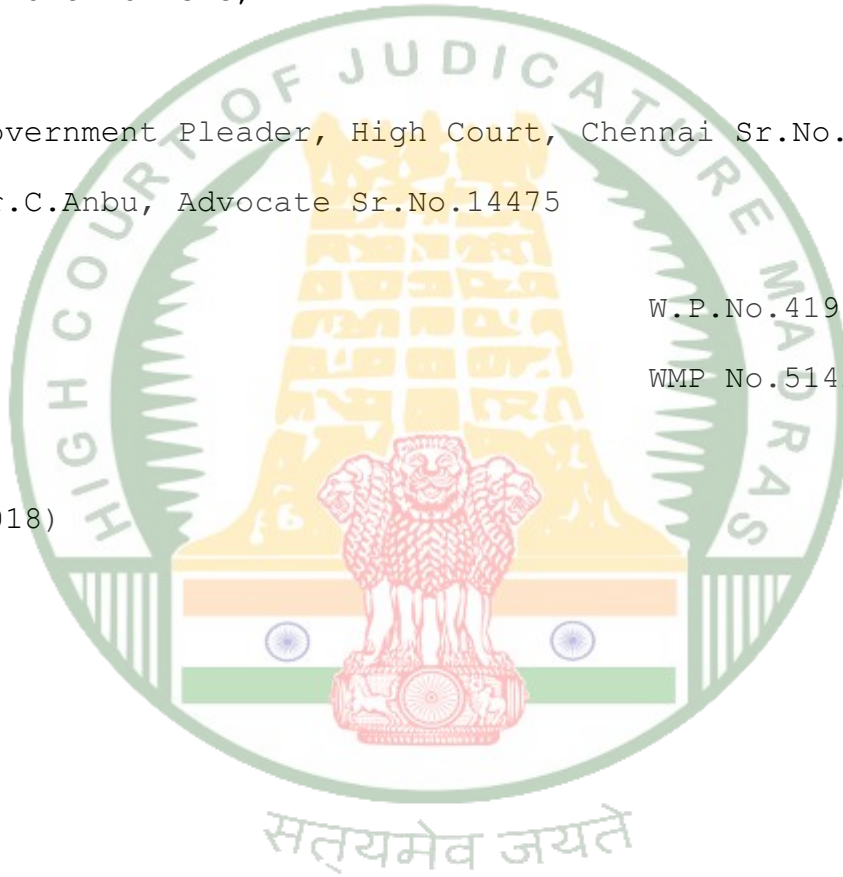
2. The Tahsildar / Revenue Inspector,
Coimbatore North Circle,
Coimbatore.

+1 CC to Government Pleader, High Court, Chennai Sr.No.15373

+1 CC to Mr.C.Anbu, Advocate Sr.No.14475

W.P.No.4199 of 2018
and
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PA(CO)
KP(14/03/2018)



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