

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.23724 of 2018 and
W.M.P.Nos.27670 & 27671 of 2018

K.Poongodi

.. Petitioner

v.

1 The District Collector
Collectorate Villupuram
Villupuram District.

2 The Tahsildar
Ulundurpettai Taluk
Villupuram District.

3 The Block Development Officer (East)
Panchayat Union
Thirunavallur
Villupuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.Aa2/1896/2016, dated 30.08.2018 is illegal and quash the same.

For Petitioner : Mr.G.Ranganathan

For Respondents: Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c) - for R1 & R2

Mrs.M.Lalitha
Govt. Advocate - for R3

O R D E R
(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 3rd respondent dated 30.08.2018 and to quash the same.

2. It is the case of the petitioner that a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to the petitioner on 01.08.2016 and the petitioner, instead of giving a reply to the said notice, filed an appeal on 04.08.2016 before the 1st respondent.

3. The learned Government Pleader (i/c), appearing for the respondents 1 and 2 submitted that the 2nd respondent has already passed an order under section 6 of the Tamil Nadu Land Encroachment Act and therefore, the remedy open to the petitioner is only to file an appeal under section 10 of the Tamil Nadu Land Encroachment Act

4. The learned counsel appearing for the petitioner submitted that the petitioner has not been served with the order passed under section 6 of the Act, therefore, the 2nd respondent may be directed to furnish a copy of the order to the petitioner enabling him to file an appeal under section 10 of the Act.

5. The learned Government Pleader (i/c), appearing for the respondents 1 and 2 submitted that a copy of the order would be furnished to the petitioner before tomorrow .

6. The submission made by the learned Government Pleader (i/c), appearing for the respondents 1 and 2 is recorded.

7. In the event of the petitioner being served with a copy of the order passed under section 6 of the Tamil Nadu Land Encroachment Act, it is open to him to file an appeal under section 10 of the Act before the 1st respondent.

With these observations, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

Rj

To

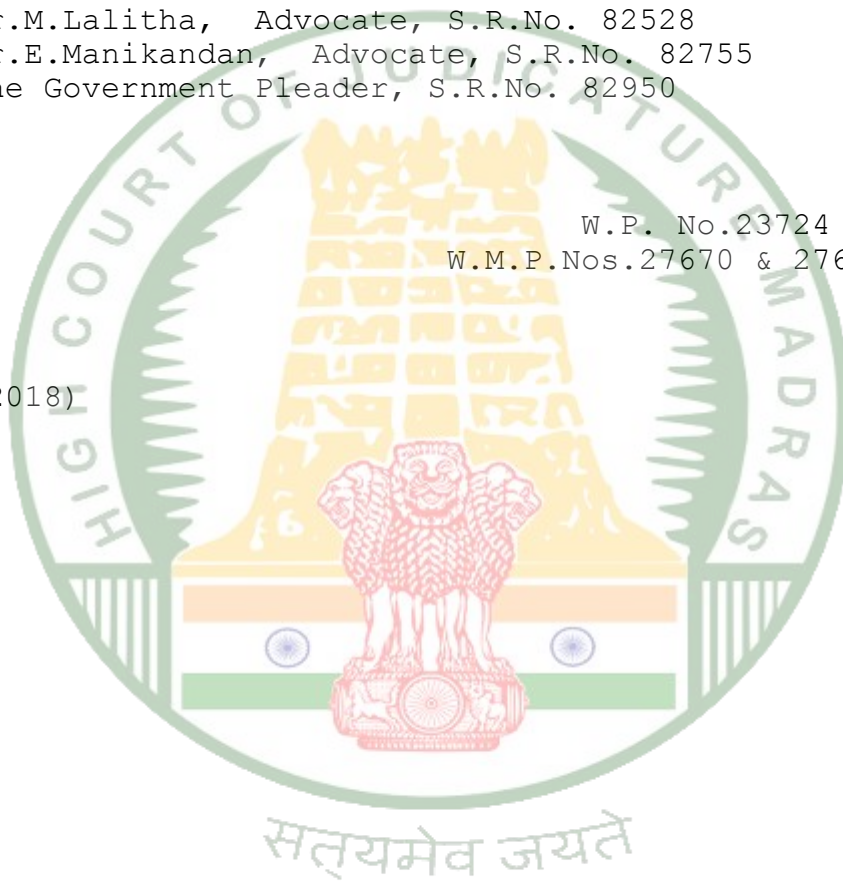
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+1cc to Mr.M.Lalitha, Advocate, S.R.No. 82528
+1cc to Mr.E.Manikandan, Advocate, S.R.No. 82755
+1cc to the Government Pleader, S.R.No. 82950

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KS (CO)
GN(19/12/2018)



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