IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM

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

W.P. No. 18022 of 2018
&
W.M.P. No. 21320 of 2018

Pechiammal ... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to Govt.,
Revenue Department,
Fort St. George,
Chennai - 9.

2. The District Collector,
Coimbatore District,
Coimbatore.

3. The Tahsildar,
Coimbatore South Taluk,
Coimbatore.

4. The Revenue Inspector,
Singanallur Firka,
Coimbatore South Taluk,
Coimbatore.

5. The Superintending Engineer,
National Highways,
Salem. ... Respondents

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Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the notice issued by the 4th respondent under Section 7 of the Chennai Act III of 1905 dated nil in respect of S.F. No. 246 in Uppilipalayam Village, Coimbatore South Taluk, Coimbatore District and quash the same.

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For Petitioner :: Mr.R. Vijayaraghavan

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

O R D E R

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

The writ petition is filed for issue of a Writ of Certiorari to call for the notice issued by the 4th respondent under Section 7 of the Chennai Act III of 1905 dated nil in respect of S.F. No. 246 in Uppilipalayam Village, Coimbatore South Taluk, Coimbatore District and quash the same.

2. The petitioner is said to have encroached upon a portion of 5 cents of land comprised in S.F No. 246, Uppilipalayam Village, Cooimbatore South Taluk, Coimbatore District. The petitioner is said to be possessed with ration card and she got electricity connection in respect of the property. When things stood so, the 4th respondent issued a notice under Section 7 of Land Encroachment Act, calling upon the petitioner to hand over possession of the property contending that the petitioner is in unauthorised occupation. The said notice is being challenged before this Court.

3. Heard Mr.R. Vijayaraghavan, learned counsel for the petitioner and Mr. A.N. Thambidurai, learned Special Governent Pleader for the respondents.

4. A perusal of the impugned notice would show that the property, which is under the occupation of the petitioner, is said to be part of a larger extent of 1 acre 30 cents, which is classified as "Battai Poramboke", ie., pathway poramboke. To the said notice, the petitioner has given her reply on 06.07.2018 giving details of her defence.

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5. Hence, the 4th respondent is directed to conduct an enquiry and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner, within twelve weeks from the date of receipt of a copy of this order. Till such an order is passed and served on the petitioner, the respondents are restrained from interfering with the petitioner's possession, in any manner.

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6. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Govt.,
Revenue Department,
Fort St. George,
Chennai - 9.

2. The District Collector,
Coimbatore District,
Coimbatore.

3. The Tahsildar,
Coimbatore South Taluk,
Coimbatore.

4. The Revenue Inspector,
Singanallur Firka,
Coimbatore South Taluk,
Coimbatore.

5. The Superintending Engineer,
National Highways,
Salem.

+1cc to M/S.R.Vijayaraghavan, Advocate Sr.47345
+1cc to the Government Pleader Sr.48510

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W.P. No. 18022 of 2018

srg 6/8/2018

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