

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM :

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

W.P.No.18086 of 2018
and
W.M.P.21364 of 2018

R.Malarkodi

... Petitioner

Vs

1.The District Collector,
Ariyalur, Ariyalur District.

2.The Block Development Officer (Panchayat),
Andimadam,
Andimadam Taluk,
Ariyalur District.

3.The Tahsildar,
Andimadam,
Andimadam Taluk,
Ariyalur District.

... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in relates to the order passed by the 3rd respondent under Section 7 notice dated 26.06.2018 which is communicated to the petitioner on 06.07.2018 and quash the same and consequently direct the 1st respondent to pass orders on the representations of the petitioner dated 17.07.2017 and 09.07.2018.

For Petitioner : Mr.V.Kasinatha Bharathi

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

O R D E R

The petitioner is said to be in possession of the property comprised in Survey No.150, allegedly a vandipathai poramboke to an extent of 0.39.5 Ares in Door No.629 for the past 40 years by putting up a superstructure. Therefore, the 2nd respondent issued eviction notice dated 14.11.2017, stating that the

petitioner has encroached upon the Vandipathai, which was challenged before this Court by the petitioner in WP.No.30399 of 2017 and this Court by order dated 24.11.2017 set aside the same and directed the respondents to issue notice and to pass appropriate orders. Thereafter only the present notice under Section 7 of the Tamil Nadu Land Encroachment Act, has been issued by the 3rd respondent. That is being challenged before this Court.

2.Heard, Mr.Kasinatha Bharathi, learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader, who takes notice on behalf of the respondents.

3.A perusal of the impugned order would show that it is only a show cause notice and the petitioner has been only called upon to give objection if any. It is also stated that the petitioner has already given a reply on 09.07.2018. If it is so, the 3rd respondent is directed to conduct an enquiry by affording personal hearing to the petitioner and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. Till such order is passed and served upon the petitioner, the respondents are directed not to disturb the petitioner or interfere with his possession.

4.With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Ariyalur, Ariyalur District.

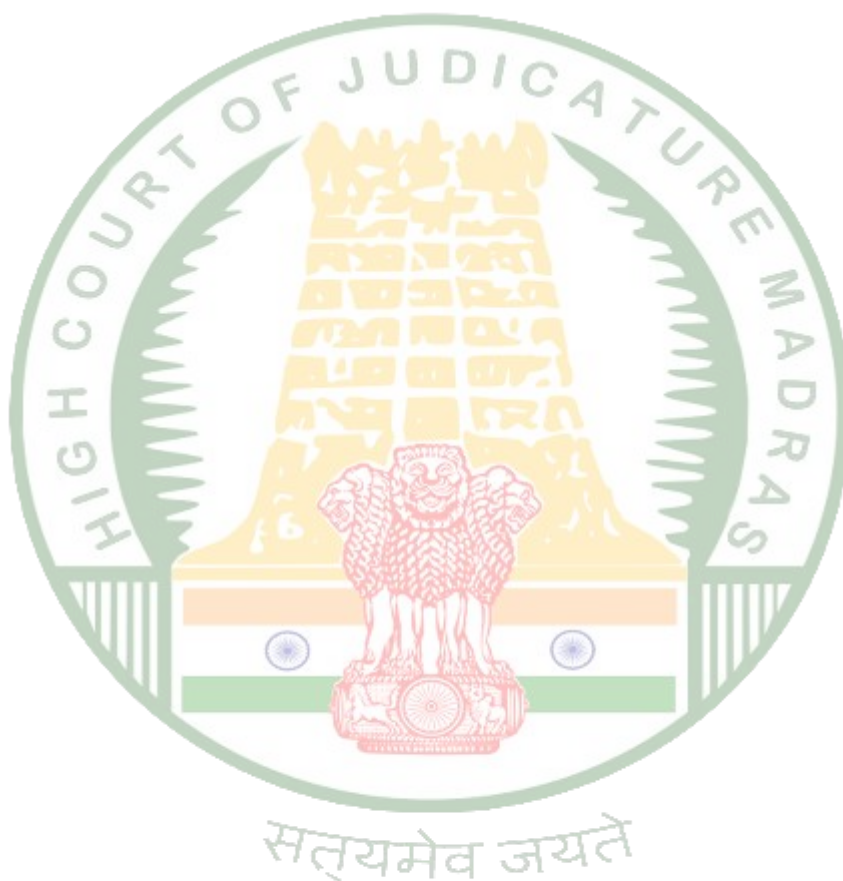
2.The Block Development Officer (Panchayat),
Andimadam,
Andimadam Taluk,
Ariyalur District.

3.The Tahsildar,
Andimadam,
Andimadam Taluk,
Ariyalur District.

+1cc to Mr.V.Kasinatha Bharathi, Advocate sr.no.46795
+1cc to Government Pleader sr.no.48030

W.P.No.18086 of 2018

nr 27/07/2018



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