

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM :

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

W.P.No.18409 of 2018
and
W.M.P.No.21731 of 2018

Lakshmi

... Petitioner

Vs

1.The Tahsildar,
Poonamalli Taluk,
Thiruvallur District.

2.The District Collector,
Thiruvallur District.

.... Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the impugned notice dated 16.07.2018 vide No.Na.Ka.850/2018/Aa1, on the file of the 1st respondent and quash the same.

For Petitioner :Mr.S.Veeraraghavan

For Respondents :Mr.R.Udhaya Kumar
Additional Government Pleader

सत्यमेव जयते
O R D E R

(Order of this Court was made by N.Kirubakaran, J.)

The present Writ Petition has been filed challenging the notice dated 16.07.2018 vide No.Na.Ka.850/2018/Aa1, issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, to the petitioner in respect of the property comprised in Survey No.27/2 & 3, located in Nazarathpettai, to an extent of 0.02.5 hectare, wherein a house has been constructed and being enjoyed by the petitioner.

2.The learned counsel appearing for the petitioner would submit that there is already a notice dated 20.03.2018 issued

under Section 7 of the Act and an Appeal has been filed before the 2nd Respondent/Collector under Section 10 and 10(B) of the Tamil Nadu Land Encroachment Act, 1905, on 31.05.2018. When there is an Appeal pending before the 2nd respondent, the respondents should wait for disposal of the said appeal.

3.However, Mr.R.Udhayakumar, learned Additional Government Pleader would submit that the petitioner was already given sufficient opportunity.

4.Taking into consideration that the Appeal dated 31.05.2018 filed by the petitioner is pending before the 2nd respondent, the 2nd respondent is directed to dispose of the Appeal, after giving an opportunity to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. Till the appeal is disposed of and a copy of the same is served upon the petitioner, the respondents are prohibited from interfering in any way with the enjoyment of the petitioner's property. Since the electricity connection is already disconnected, the respondents are directed to inform the Electricity Board to restore the electricity connection immediately.

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

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

sai
TO

1.The Tahsildar,
Poonamalli Taluk,
Thiruvallur District.

2.The District Collector,
Thiruvallur District.

+1cc to Mr.S.Veera Raghavan, Advocate SR.No.48409
+1cc to Government Pleader SR.No.49415

W.P.No.18409 of 2018

GN(09/08/2018)