

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.26487 of 2018
and WMP Nos.30801 & 30804 of 2018

C.Murugan ... Petitioner

Vs.

1. The Tahsildar
Pennagaram,
Dharmapuri District.

2. The Assistant Engineer (Town) (O & M),
TANGEDCO, Pennagaram,
Dharmapuri District.

... Respondents

Writ Petition Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the Notice issued by the 1st respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated Nil which was served on the petitioner's wife namely Madhammal on 01.10.2018 on the file of the respondent quash the same.

For Petitioner : Mr.S.Doraisamy, Senior Counsel for
Mr.V.Elangovan

For Respondents : Mr. Thangavadhana Balakrishnan
Addl. Government Pleader

O R D E R

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The challenge in this writ petition is to the notice issued under section 7 of the Tamil Nadu Land Encroachment Act, 1905. The grievance of the petitioner is that even before passing final orders under section 6 of the Act, action was taken by the Tahsildar to remove the alleged encroachment.

2. When this Writ Petition came up for admission, taking into account the submission made by the learned counsel for the petitioner, we issued notice to the 1st respondent and directed

the 2nd respondent to restore the electricity connection to the house in question.

3. The Tahsildar is present in Court today. According to the Tahsildar, pursuant to the order passed by this Court, the Electricity Department restored the supply to the residence of the petitioner. The Tahsildar fairly admitted that even before passing final orders, he has removed a portion of the illegal construction.

4. The Tahsildar agreed to give reasonable time to the petitioner to submit objection and thereafter to pass an order under Section 6 of the Act.

5. We give the petitioner time till 31.10.2018 to submit objection to the notice, issued by the the 1st respondent, under section 7 of the Tamil Nadu Land Encroachment Act, 1905. The 1st respondent shall consider the objection objectively and appropriate orders should be passed on merits and as per law.

6. The question of eviction or removal of encroachment would depend upon the ultimate orders to be passed by the 1st respondent.

7. The Writ Petition is disposed of with the above direction.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Tahsildar

Pennagaram,
Dharmapuri District.

2. The Assistant Engineer (Town) (O & M),

TANGEDCO, Pennagaram,
Dharmapuri District.

+1 cc to Mr.S.Doraisamy, Advocate SR.No.71375

+1 cc to The Government Pleader, SR.No.71506

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RV(CO)

CSL/27.11.2018