

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.27941 of 2018 &
W.M.P.Nos.32511 & 32513 of 2018

E.Annamalai

.. Petitioners

vs.

1. The Collector
Thiruvallur District
Thiruvallur
2. The Assistant Engineer
Public Works Department
Irrigation Section II
Water Resource Organization
Thiruvallur District
Thiruvallur
3. The Tahsildar
Thiruvallur Taluk
Thiruvallur

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records pertaining to the Form III, Rule 6(1) Notice Na.Ka.No.704/Aa1, dated 29.11.2017 of the 3rd respondent and quash the same.

For Petitioner : Mr.D.S.Ramesh
For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader (i/c)

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 Form III, Rule 6(1) Notice dated 29.11.2017 of the 3rd respondent and to quash the same.

2. According to the petitioner, he is a tenant in respect of Survey No.271/1, having Door No.2/602, Bazaar Street, Perumbakkam, Thiruvallur Taluk and District, having an extent of

42 sq.mts.

3. Though the 3rd respondent has issued a notice dated 29.11.2017 to the petitioner under Section 7 of the Tamil Nadu Land Encroachment Act, the petitioner has not sent his reply to the 3rd respondent so far. The present Writ Petition has been filed by the petitioner on 10.10.2018, i.e., nearly one year from the date of issuance of section 7 Notice. It is also brought to the notice of this court that the landlord himself has challenged the eviction proceedings by way of separate Writ Petition.

4. Since the petitioner has approached this court without giving any reply and after a lapse of nearly one year, we are not inclined to entertain the present Writ Petition. That apart, the remedy open to the petitioner is to challenge the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, as per the provisions of the Act before the appellate authority. In these circumstances, the Writ Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

Rj

To

1. The Collector
Thiruvallur District
Thiruvallur
 2. The Assistant Engineer
Public Works Department
Irrigation Section II
Water Resource Organization
Thiruvallur District
Thiruvallur
 3. The Tahsildar
Thiruvallur Taluk
Thiruvallur
- +1 CC to Mr.D.S.Ramesh, Advocate sr 80561.
+1 CC to Govt. Pleader sr 80895

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SP(07/12/2018)