

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.29840 of 2018
and WP.NO.34834 of 2018

M.Prakasam

.. Petitioner

Vs.

- 1.The District Collector,
O/o the District Collector,
Sathuvachari,
Vellore- 632 009,
Vellore District.
- 2.The District Revenue Officer,
O/o the District Collector,
Sathuvachari,
Vellore - 632 009,
Vellore District.
- 3.The Revenue Divisional Officer/Sub Collector,
Thirupattur,
Vellore District.
- 4.The Executive Engineer,
Vellore Division,
Tamil Nadu Slum Clearance Board,
Plot No.22, 9th Street,
Gopalapuram, Kazhlinjur,
Vellore - 632 006.
- 5.The Tahsildar,
Vaniyampadi Taluk,
Vellore District.
- 6.The Zonal Deputy Tahsildar,
Vaniyambadi,
Vellore District.

7.The Revenue Inspector,
Vaniyampadi,
Vellore District.

8.The Village Administrative Officer,
Valayampattu Village,
Vaniyampadi Taluk,
Vellore District.

9.The Head Surveyor,
Vaniyampadi Taluk,
Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relevant to the order in Na.Ka.C1. 4202/2018 dated 24.07.2018 passed by the 5th respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby restrain the respondents from initiating any coercive steps as like dispossession of the petitioner from his agricultural landed property situated in Survey No.241, Valayampattu Village, Vaniyampadi Taluk, Vellore District to an extent of 3 acres 20 cents.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.S.Kamalesh Kannan

Government Advocate

for respondent Nos.1 to 3, 5 to 9

Mr.S.Prabhu

for respondent No.4

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus calling for the records relating to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 24.07.2018 and consequently, restraining the respondents from initiating any coercive steps by dispossessing the petitioner from the agricultural land situated in Survey No.241, Valayampattu Village, Vaniyampadi Taluk, Vellore District to an extent of 3 acres 20 cents.

2. Admittedly, the fifth respondent issued the impugned notice dated 24.07.2018 to the petitioner under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. To the notice issued under Section 7 of the Act, the petitioner sent a reply dated 01.08.2018.

3. When the writ petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that instead of going into the correctness of the impugned notice dated 24.07.2018, it would be suffice to direct the fifth respondent to consider the petitioner's reply dated 01.08.2018 while passing the final order under Section 6 of the Act.

4. The learned Government Advocate appearing for the respondents 1 to 3, 5 to 9 submitted that a portion of the land was already handed over to the Tamil Nadu Slum Clearance Board.

5. In view of the limited prayer sought for by the petitioner, we are of the view that the fifth respondent can be directed to consider the petitioner's reply dated 01.08.2018 while passing order under Section 6 of the Act. Accordingly, we direct the fifth respondent to consider the petitioner's reply dated 01.08.2018 and pass orders under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 as expeditiously as possible.

6. With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.34834 of 2018 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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O/o the District Collector,
Sathuvachari, Vellore - 632 009,
Vellore District.

2.The District Revenue Officer,
O/o the District Collector,
Sathuvachari, Vellore - 632 009,
Vellore District.

3.The Revenue Divisional Officer/Sub Collector,
Thirupattur, Vellore District.

4.The Executive Engineer,
Vellore Division,
Tamil Nadu Slum Clearance Board,
Plot No.22, 9th Street,
Gopalapuram, Kazhlinjur,
Vellore - 632 006.

5.The Tahsildar,
Vaniyampadi Taluk,
Vellore District.

6.The Zonal Deputy Tahsildar,
Vaniyambadi, Vellore District.

7.The Revenue Inspector,
Vaniyampadi, Vellore District.

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Valayampattu Village,
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9.The Head Surveyor,
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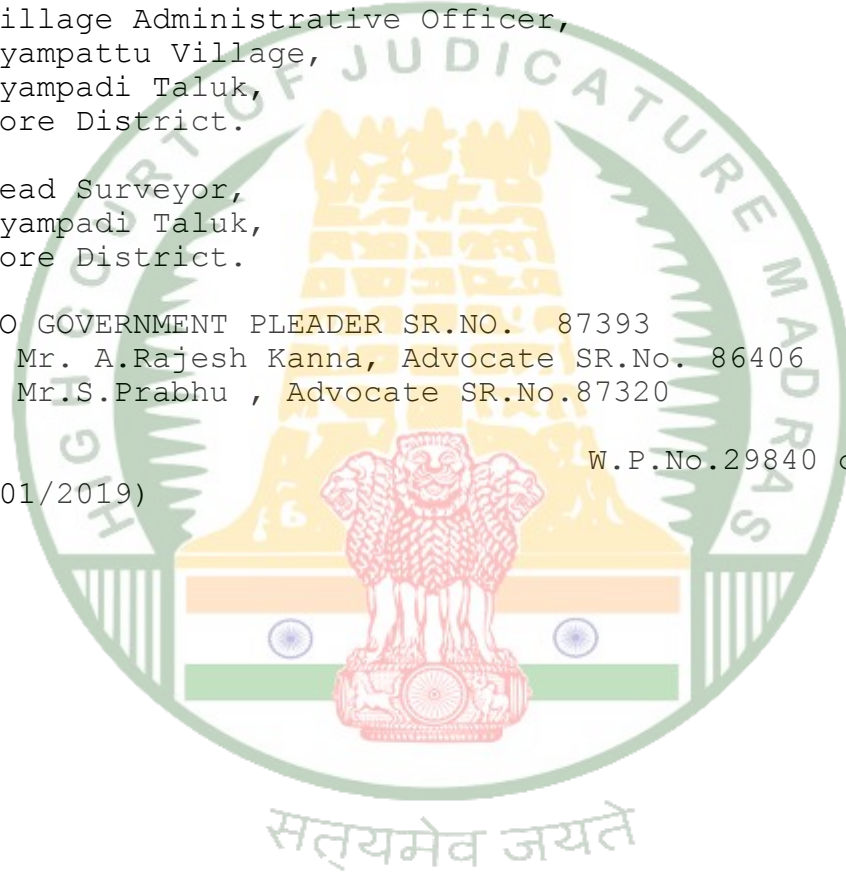
+1 CC TO GOVERNMENT PLEADER SR.NO. 87393

+1cc to Mr. A.Rajesh Kanna, Advocate SR.No. 86406

+1cc to Mr.S.Prabhu , Advocate SR.No.87320

W.P.No.29840 of 2018

ASK(09/01/2019)



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