

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.202 of 2019
and W.M.P.No.216 of 2019

K.Ramamoorthy ... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Chennai - 1.

2.The District Revenue Officer,
Chennai.

3.The Tahsildar,
Aminjikkarai, Chennai - 29.

4.The Executive Engineer,
WRO, PWD, Coovum Division,
Chennai.

5.The Commissioner,
Corporation of Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents 1 to 5 from dispossessing or dislodging the petitioner from the premises at Plot No.7 Part of No.6, Nathamuni Reddy Street, T.S.No.36/6, Block No.3 of Naduvakkarai Village, Anna Nagar, Chennai - 40 which are borne out by revenue records, planning permission and building plan therein.

For Petitioner : Ms.N.R.Jasmine Padma

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 to R4)

Mr.R.Arunmozhi (R5)

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus forbearing the respondents 1 to 5 from dispossessing or dislodging the petitioner from the premises at Plot No.7 Part of No.6, Nathamuni Reddy Street, T.S.No.36/6, Block No.3 of Naduvakkarai Village, Anna Nagar, Chennai - 40 which are borne out by revenue records, planning permission and building plan.

2.It is the case of the petitioner that the 4th respondent had issued notice under Section 7 of the Tamil Nadu Land Encroachment Act calling upon the petitioner to give his reply. Accordingly, the petitioner has given his reply dated 13.09.2017 to the 4th respondent. Now, the petitioner has filed the Writ Petition to forbear the respondents from dispossessing him from the property.

3.Since the petitioner has given a reply to the Section 7 Notice, the concerned Authority shall consider the same and pass orders under Section 6 of the Tamil Nadu Land Encroachment Act. If the petitioner is aggrieved over the notice issued under Section 6 of the Act, he has to prefer an appeal under Section 10 of the Tamil Nadu Land Encroachment Act.

4.In these circumstances, we are not inclined to entertain the Writ Petition and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Office of the Collectorate, Chennai - 1.

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Chennai.

3.The Tahsildar,
Aminjikkarai, Chennai - 29.

4.The Executive Engineer,
WRO, PWD, Coovum Division, Chennai.

5.The Commissioner,
Corporation of Chennai.

+1cc to M/s.R.Arunmozhi, Advocate Sr.2901
+1cc to the Government Pleader Sr.2306
+1cc to Mr.L.Chandrakumar, Advocate Sr.1967

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and W.M.P.No.216 of 2019

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srg 30/01/2019



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