

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.1999 of 2019

C.Maragatham

.. Petitioner

-vs-

1.The Commissioner of Land Administration,
Chepauk, Chennai.

2.The District Collector,
Namakkal District.

3.The District Revenue Officer,
Namakkal District.

4.The Revenue Divisional Officer,
Namakkal District.

5.The Tahsildar,
Rasipuram (Tk),
Namakkal District.

6.The Village Administrative Officer,
Mullukuruchi, Rasipuram Taluk,
Namakkal District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents from evicting the petitioner without following due process of law and direct the respondents and to consider the petitioner's reply dated 26.12.2018 in accordance with Revenue Standing Order.

For Petitioner

: Mr.K.V.Dhanapalan

For Respondents

: Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner without following due process of law and to direct the respondents to consider the reply dated 26.12.2018 in accordance with the Revenue Standing Order.

2. It is the case of the petitioner that respondent No.5 has issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on 09.11.2018 and the petitioner has given her reply to the said notice on 26.12.2018. It is the apprehension of the petitioner that the respondents would evict the petitioner without following the due process of law.

3. Since the petitioner was served with notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, it cannot be said that the respondents are trying to evict her illegally.

4. The learned Government Pleader (i/c) taking notice on behalf of the respondents submitted that the petitioner will not be evicted from the land in dispute except following the due process of law. The learned Government Pleader (i/c) further submitted that the petitioner will be evicted only after passing of order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The submission made by the learned Government Pleader (i/c) is recorded.

5. In view of the same, the writ petition is disposed of. No costs. Consequently, W.M.P.No.2256 of 2019 is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Land Administration,
Chepauk, Chennai.

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5.The Tahsildar,
Rasipuram (Tk),
Namakkal District.

6.The Village Administrative Officer,
Mullukuruchi, Rasipuram Taluk,
Namakkal District.

+1cc to M/s. T.Fennwalter Associates, Advocate, S.R.No. 6100

+1cc to the Government Pleader, S.R.No. 6246

W.P. No.1999 of 2019

GJ(CO)
GN(21/02/2019)



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