

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.2036 of 2019

R.Velu

.. Petitioner

-vs-

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Sriperumbuthur Taluk,
Kancheepuram District.

3.K.Lakshmi

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents 1 and 2 from interfering the petitioner's premises at E.R. Nagar, Nehru Street, Kuthanur Road, comprised in Survey No.198/1 situated at Madambakkam Village, Sriperumbuthur Taluk, Kancheepuram District to an extent of 3 cents without any authority of law unless the petitioner's representation dated 10.01.2019 is disposed of in accordance with law.

For Petitioner

: Mr.S.Ramachandran

For Respondents

: Mr.S.N.Parthasarathy
Government Advocate
for respondent Nos.1 and 2

No Appearance

for respondent No.3

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 1 and 2 from interfering with the petitioner's premises at E.R. Nagar, Nehru Street, Kuthanur Road, comprised in Survey No.198/1 situated at Madambakkam Village, Sriperumbuthur Taluk, Kancheepuram District to an extent of 3 cents without any authority of law unless the petitioner's representation dated 10.01.2019 is disposed of in accordance with law.

2. It is brought to the notice of this Court that the authorities have issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 20.12.2018. The learned counsel for the petitioner submitted that the said notice was issued in the name of one K.Shanmugam and not the petitioner. However, the petitioner having full knowledge about the said notice, sent his reply dated 10.01.2019 to respondent Nos.1 and 2 narrating his case. The only contention raised by the petitioner is that the reply/representation sent by the petitioner should be considered by the authorities before passing any order under the Tamil Nadu Land Encroachment Act, 1905.

3. Mr.S.N.Parthasarathy, learned Government Advocate appearing for respondent Nos.1 and 2 submitted that the authorities will consider the petitioner's representation dated 10.01.2019 before passing any order under Section 6 of the Act. The said submission is recorded.

4. In view of the submission made by the learned Government Advocate that the authorities will pass order under Section 6 of the Act only after considering the petitioner's representation dated 10.01.2019, no further directions need be issued to respondent Nos.1 and 2. Accordingly, the writ petition is disposed of. No costs. Consequently, W.M.P.No.2292 of 2019 is closed.

Sd/-

Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

bbr

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Tahsildar,
Sriperumbuthur Taluk,
Kancheepuram District.

+1cc to Mr.K.Balaji, Advocate, S.R.No.45209
+1cc to the Government Pleader, S.R.No.46179
+1cc to Mr.B.Vijay, Advocate, S.R.No.45611

W.P.No.2036 of 2019

BR(CO)

RRS (27/06/2019)



WEB COPY