

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3147 of 2019

M.B.Dhilip

... Petitioner

-vs-

- 1.The State of Tamil Nadu,
rep. by the Chief Secretary to Government,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector,
Uthagamandalam,
The Nilgiris District.
- 3.The Revenue Divisional Officer,
Gudalur,
The Nilgiris District.
- 4.The Thasildar,
Gudalur,
The Nilgiris District.
- 5.The Revenue Inspector,
Gudalur,
The Nilgiris District.
- 6.The Village Administrative Officer,
Gudalur-I,
The Nilgiris District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the Notice dated 05.01.2019 issued by the 5th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same and consequently,

forebear the respondents from interfering with the petitioner's possession and enjoyment of any portion of the land bearing R.S.No.491/1 (old S.No.33/1A 1A), situated in Gudalur-I Village, The Nilgiris District, measuring 0.87 Acres till the final decision on his entitlement for Ryotwari Patta in the Appeals pending/provided under the Gudalur Janmam Estates (Abolition and Conversion into Ryotwari) Act, 1969 in any manner.

For Petitioner : Mr.T.P.Manoharan
Senior Counsel
for M/s.K.P.Jotheeswaran

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

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner has preferred this writ petition aggrieved by the notice dated 05.01.2019 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The said notice is in relation to the vacant land and building in an extent of about 0.10 Acre in R.S.No.491/1 (old S.No.33/1A 1A), situated in Gudalur-I Village, The Nilgiris District.

2. In the said notice, it is clearly stated that the petitioner can show cause as to why he should not be evicted from the said land. In such a case, it would be open to the petitioner to reply to the said notice.

3. The learned Government Pleader (i/c) states that the petitioner shall not be evicted without following the due process of law.

4. The said statement made by the learned Government Pleader (i/c) is recorded.

5. In view of the above, no further directions are required in this writ petition and the writ petition is disposed of. No costs. Consequently, W.M.P.No.3413 of 2019 is closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

bbr

To

1.The Chief Secretary to Government,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
Uthagamandalam,
The Nilgiris District.

3.The Revenue Divisional Officer,
Gudalur,
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The Nilgiris District.

6.The Village Administrative Officer,
Gudalur-I,
The Nilgiris District.

+1 CC to Mr.K.P. Jotheeswaran, Advocate sr 8569.

EV(CO)
SP(01/02/2019)

W.P.No.3147 of 2019

सत्यमेव जयते

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