

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2019

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.5360 of 2019

Muthusamy

.. Petitioner

Vs.

- 1 The District Collector
Office of the District Collectorate
Salem District.
- 2 The Thasildar
Office of the Thasildar
Kadyampatty Taluk
Salem District.
- 3 The Revenue Inspector
Semmandampatty
Kadyampatty Taluk
Salem District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to direct the third respondent call for all records pertaining to the impugned notice issued on 17.01.2019 under Section 7 of Tamilnadu Land Encroachment Act (III Act 1905) and quash the same.

For Petitioner : Mr.C.Girish Babu

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

ORDER

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

Heard Mr.C.Girish Babu, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.) for the respondents.

2. The petitioner is aggrieved by a notice dated 17.1.2019 issued to him under Section 7 of the Tamil Nadu Land

Encroachment Act,1905 in relation to his property which is situated at Survey No.87/2 in Thathiyampatti Village, Kadiyampatti Taluk, Salem District.

3. Though there is a reference to Section 6 of the Act in the said notice, the learned Government Pleader (i/c.) categorically stated that this is only a notice under Section 7 of the Act and unless a clear notice is issued to the petitioner under Section 6 of the Act, no action will be taken against the property of the petitioner. The said statement is recorded.

In view of the statement made by the learned Government Pleader (i/c.), no further orders are necessary. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.6085 and 6089 of 2019 are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

- 1 The District Collector
Office of the District Collector
Salem District.
- 2 The Thasildar
Office of the Thasildar
Kadyampatty Taluk
Salem District.
- 3 The Revenue Inspector
Semmandampatty
Kadyampatty Taluk
Salem District.

+1cc to Mr.C.Girish Babu, Advocate, S.R.No. 17464
+1cc to the Government Pleader, S.R.No. 18180

W.P.No.5360 of 2019

EV(CO)
GN(20/03/2019)