

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.3472 of 2019 and
W.M.P.Nos.3774 & 3775 of 2019

M.J.David

... Petitioner

Vs.

- 1.The Secretary,
Government of Tamil Nadu,
Land Administration Department,
Fort St.George, Chennai - 9.
- 2.The District Collector,
Office of the District Collector,
Villupuram District,
Villupuram - 605 602.
- 3.The Tahsildar,
Office of Tahsildar,
Tindivanam, Villupuram District,
Villupuram - 605 602.
- 4.Block Development Officer,
Olakkur Panchayat Union,
Saram Post,
Tindivanam Taluk,
Villupuram District,
Villupuram - 605 602.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus calling for the records of the 4th respondent issued under Sections 6 & 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 13.12.2018 and 24.12.2018 respectively, quash the same and consequently, forbear the respondents from evicting the petitioner from the property situated in Survey No.130/3, Kambur Village, Villupuram District, without following due process of law.

For Petitioner : Ms.Ami V.Kataria

For Respondents: Mr.S.Kamalesh Kannan,
Government Advocate

O R D E R

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

The petitioner has approached this Court being aggrieved by the notices issued under Sections 7 & 6 of the Tamil Nadu Land Encroachment Act, 1905. The said notices are dated 13.12.2018 and 24.12.2018 respectively. The notices relate to eviction of the petitioner from the property situated in Survey No.130/3, Kambur Village, Villupuram District. The prayer of the petitioner is that he should not be evicted without following due process of law.

2.It is an admitted fact that in relation to the eviction of the petitioner, he was issued with notices under Section 7 and thereafter, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Thus, it is seen that the respondents are following due process of law.

3.It is further admitted by the learned counsel appearing for the petitioner that the petitioner has preferred an Appeal on 24.12.2018 under Section 10 as against the notice issued under Section 6 of the said Act. The said Appeal came to be dismissed by order dated 13.01.2019. Thereafter, it is seen that the petitioner has preferred a Revision Petition against the order dated 13.01.2019 whereby the Appeal came to be dismissed. The said Revision was preferred on 25.01.2019. The learned counsel for the petitioner states that the petitioner has also preferred a petition for stay in the said Revision, however, no orders have been passed in the stay petition.

4.In view of the above facts, the stay petition be disposed of by the concerned authorities within ten days from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

- 1.The Secretary,
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Villupuram - 605 602.
- 4.Block Development Officer,
Olakkur Panchayat Union,
Saram Post,
Tindivanam Taluk,
Villupuram District,
Villupuram - 605 602.

+1cc to Mr.Ami V.Kataria, Advocate, S.R.No. 10170
+1cc to the Government Pleader, S.R.No. 9997

W.P.No.3472 of 2019 and
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KS(CO)
GN(06/02/2019)

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