

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.4439 of 2019

R.Selvam

.. Petitioner

-vs-

1.The State of Tamil Nadu,
rep. by its Commissioner,
Land Administration,
Ezhilagam, Chempauk,
Chennai-600 005.

2.The District Collector,
Salem District,
Collectorate Campus,
First Agraharam,
Salem - 636 001.

3.The Revenue Divisional Officer,
Collectorate Campus,
Salem District,
Salem - 636 001.

4.The Tahsildar,
Salem South Taluk,
Maniyanur,
Salem - 636 010.

5.The Revenue Inspector,
Kondalampatty Firka,
Salem South Tank,
Salem - 636 010.

.. Respondents

WEB COPY

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the impugned notice of the 5th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 05.01.2019 and the consequent notice of the 4th respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 21.01.2019 and quash the same.

For Petitioner : Mr.S.Kadarkarai

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the records relating to the impugned notice of the 5th respondent dated 05.01.2019 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the consequent notice dated 21.01.2019 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 by the 4th respondent and to quash the same.

2. It is the case of the petitioner that earlier the authorities had issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and consequently, a notice under Section 6 of the Act dated 04.07.2017. As against the notice issued under Section 6 of the Act, the petitioner has preferred an appeal and the same is pending before the Appellate Authority. During the pendency of the said appeal under Section 10 of the Act, the 4th respondent had issued the impugned notice dated 21.01.2019 under Section 6 of the Act.

3. Mr.S.Kamalesh Kannan, learned Government Advocate, taking notice for the respondents, submitted that he has got instruction from the 4th respondent that the 4th respondent is withdrawing the notice issued under Section 6 of the Act dated 21.01.2019 and that the authorities would pursue the appeal filed by the petitioner before the 2nd respondent.

4. In view of the submission made by the learned Government Advocate that the 4th respondent is withdrawing the impugned notice dated 21.01.2019 issued under Section 6 of the Act, nothing survives for adjudication in this writ petition. Accordingly, the writ petition is closed. No costs.

Consequently, W.M.P.No.5000 of 2019 is also closed.

5. The learned counsel appearing for the petitioner submitted that a direction may be issued to the 2nd respondent to dispose of the appeal filed by the petitioner under Section 10 of the Act within a period of five weeks from the date of receipt of a copy of this order. Accordingly, we direct the 2nd respondent to dispose of the appeal filed by the petitioner within a period of five weeks from the date of communication of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Land Administration,
Ezhilagam, Chempauk,
Chennai-600 005.
 - 2.The District Collector,
Salem District, Collectorate Campus,
First Agraharam, Salem - 636 001.
 - 3.The Revenue Divisional Officer,
Collectorate Campus,
Salem District,
Salem - 636 001.
 - 4.The Tahsildar,
Salem South Taluk,
Maniyanur, Salem - 636 010.
 - 5.The Revenue Inspector,
Kondalampatty Firka,
Salem South Tank, Salem - 636 010.
- +1 cc to Mr.S.kadarkarai, Advocate Sr.No.14954
+1 cc to The Government Pleader, Sr.No.15541

W.P.No.4439 of 2019

VD(CO)
CSL/07.03.2019