

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.38849 of 2005 and

W.M.P.No.41603 of 2005

Jose

... Petitioner

v.

- 1 The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
- 2 The District Collector of Nilgiris,
Udhagamandalam,
The Nilgiris District.
3. The Tahsildar,
Guddalore Taluk,
The Nilgiris District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the records of 1st respondent dated 21.10.2005 in R.C.No.T1/35790/2005 and quash the same.

For Petitioners : Mr. S.Gunasekaran

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

O R D E R

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

The petitioner has filed the above Writ Petition to issue a Certiorari to call for the records of 1st respondent dated 21.10.2005 and to quash the same.

2. By the impugned order dated 21.10.2005, the Revision Petition filed by the petitioner challenging the eviction was dismissed by the 1st respondent. As against that, the petitioner has filed the above Writ Petition.

3. The 2nd respondent filed a counter wherein in paragraph No.6, he has stated that the encroachment of the petitioner was evicted on 07.04.2005 and the land in question was taken into the control of the Revenue Department.

4. The learned counsel appearing for the petitioner submitted that in view of the specific averment stated by the 2nd respondent-the District Collector, to the effect that the petitioner was evicted from the land in dispute on 07.04.2005 itself, the same may be recorded and the Writ Petition may be dismissed.

5. In view of the submissions made by the learned counsel on either side, recording the averments stated in the counter affidavit filed by the 2nd respondent, the Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj
To

- 1 The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
- 2 The District Collector of Nilgiris,
Udhagamandalam, The Nilgiris District.
3. The Tahsildar,
Guddalore Taluk, The Nilgiris District.

+1cc to Mr.S.Gunaseelan, Advocate Sr.45735
+1cc to the Government Pleader Sr.46222

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srg 04/07/2019