



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2019

WEB COPY

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.7893 of 2019 and

W.M.P.No.8515 of 2019

M.Sekar

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Villupuram.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kallakurichi,
Villupuram District.
- 3.The Tahsildar,
Sankarapuram Taluk,
Villupuram District.
- 4.The Revenue Tahsildar,
Sankarapuram Taluk,
Villupuram District.
- 5.The Block Development Officer,
Panchayat Union Office,
Sankarapuram,
Villupuram District.

... Respondents

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents 2 to 5 from evicting and demolishing a portion of the petitioner's house measuring an extent of 60 sq.ft. comprised in Survey No.163/8, 163/10 situated at Rangappanur Village, Sankarapuram Taluk, Villupuram District except in accordance with due process of law.



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For Petitioner : Mr.K.Myilsamy

For Respondents: Mr.S.Kamlesh Kannan,
Government Advocate (R1 to R5)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner to issue a Writ of mandamus forbearing the respondents 2 to 5 from evicting and demolishing a portion of the petitioner's house measuring an extent of 60 sq.ft. comprised in Survey No.163/8, 163/10 situated at Rangappanur Village, Sankarapuram Taluk, Villupuram District except in accordance with due process of law.

2.Though the petitioner has stated that the respondents are trying to evict him and demolish a portion of the house without following due process of law, the 5th respondent, the Block Development Officer, in his counter has stated that notices under Section 7 and Section 6 were issued to the petitioner and he has also acknowledged the same by affixing his signature.

3.The learned Government Advocate submitted that the 5th respondent is taking steps to remove the encroachment by following due process of law under Tamil Nadu Land Encroachment Act, 1905 and the relief sought for in the Writ Petition is liable to be rejected. The learned Government Advocate also produced copies of the Section 7 and Section 6 notices.

4.On a perusal of same, Section 7 notice dated 26.06.2018 was duly served on the petitioner and Section 6 notice dated 16.07.2018 was also served on the petitioner. In view of the service of the said notices, it is clear that the 5th respondent is following due process of law.

5.In these circumstances, the relief sought for in the Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

- 1.The District Collector,
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- 4.The Revenue Tahsildar,
Sankarapuram Taluk,
Villupuram District.
- 5.The Block Development Officer,
Panchayat Union Office,
Sankarapuram,
Villupuram District.

+1cc to Mr.K.Myilsamy, Advocate Sr.55638
+1cc to the Government Pleader Sr.55958

W.P.No.7893 of 2019 and
W.M.P.No.8515 of 2019

sv[co]
srg 13/08/2019