

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2019

CORAM

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

W.P.No.10031 of 2019

N.Karunakaran

.. Petitioner

vs.

1.The District Collector,
Kancheepuram District.

2.The Tahsildar,
O/o The Thasildar Chengalpattu Taluk,
Kancheepuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of a writ of certiorarified mandamus to call for the records on the file of the 2nd respondent made in Na.Ka.No.1986/2012/Aa2, dated 23.03.2019 and quash the same and consequently direct the respondent not to interfere with the petitioner's peaceful possession and enjoyment of an extent of 0.20.0 situated in Survey No.310/1 Kumili, Mettupalayam village, No.19, Chengalput Taluk, Kancheepuram District.

For Petitioner : Ms.Selvi George

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

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

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records on the file of the second respondent made in Na.Ka.No.1986/2012/Aa2, dated 23.03.2019 and quash the same and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of

an extent of 0.20.0 situated in Survey No.310/1 Kumili, Mettupalayam village, No.19, Chengalput Taluk, Kancheepuram District.

2. It is the case of the petitioner that the second respondent had issued a public notice dated 23.3.2019 calling upon the encroachers to remove the encroachment within seven days.

3. The learned Government Pleader (i/c.) appearing for respondents submitted that the second respondent had only issued a public advertisement calling upon the encroachers to remove the encroachments within seven days time, however, the second respondent would initiate further action under the Tamil Nadu Land Encroachment Act, 1905 for the removal of the encroachment made by the petitioner and others. Further, the learned Government Pleader (i/c.) submitted that the encroachers will not be removed from the encroached land except by following due process of law. The said submission made by the learned Government Pleader (i/c.) is recorded.

In view of the above, no further orders are required in this writ petition and, accordingly, the same is closed. No costs. Consequently, W.M.P.Nos.10604 and 10607 of 2019 are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector,
Kancheepuram District.

2.The Tahsildar,
O/o The Thasildar Chengalpattu Taluk,
Kancheepuram District.

+1cc to Ms.Selvi George , Advocate SR.No. 34933

+1 cc to Government Pleader SR.NO. 34328

W.P.No.10031 of 2019

pp (CO)

A.SK(22/04/2019)