

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE  
AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.11532 of 2019

A.Venkadachalam

... Petitioner

-VS-

1.The District Collector,  
Collectorate, Salem.

2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Attur Taluk, Salem District.

3.The Tahsildar,  
Taluk Office,  
Attur Taluk, Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India  
praying for issue of Writ of Certiorari calling for the records  
relating to the proceedings impugned notice dated 21.02.2019 passed  
by the 2<sup>nd</sup> respondent and quash.

For Petitioner

: Mr.A.Rajakumar

For Respondent

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

ORDER

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

Heard Mr.A.Rajkumar, learned counsel for the petitioner and  
Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for the  
respondents.

2. The petitioner has challenged the notice issued under Section

7 of the Tamil Nadu Land Encroachment Act, 1905. The said notice pertains to the property in Survey No.6 situated at Kattukottai Village, Attur Taluk, Salem District.

3. A perusal of the said notice makes it clear that it is only a show cause notice. The Tamil Nadu Land Encroachment Act, 1905 provides that after a show cause notice is issued under Section 7 of the Act, notice under Section 6 of the said Act would be issued. If notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is issued, there is a remedy of filing an appeal under Section 10 of the said Act. The present notice under Section 7 of the said Act, being only a show cause notice, it would be open to the petitioner to reply to the same.

In our view, the writ petition is premature, hence, we are not inclined to entertain the writ petition and the same is dismissed. No costs. Consequently, W.M.P.No.11788 of 2019 is closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

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To

- 1.The District Collector,  
Collectorate, Salem.
- 2.The Revenue Divisional Officer,  
Revenue Divisional Office,  
Attur Taluk, Salem District.
- 3.The Tahsildar,  
Taluk Office,  
Attur Taluk, Salem District.

+1 cc to Government Pleader SR.NO. 43065

W.P.No.11532 of 2019

sv-i

RD 08/06/2019