

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2019

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. NO.14338 OF 2019

S.Kandasamy

.. Petitioner

-vs-

1. The Tahsildar,  
Perundurai Taluk,  
Perundurai,  
Erode District.

2. The Revenue Inspector,  
Thingalur Firka, Thingalur,  
Perundurai Taluk,  
Erode District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, calling for the entire records relating to the impugned notice issued by the 2<sup>nd</sup> respondent dated 04.05.2019 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.N.Parthasarathy  
Government Advocate

ORDER

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

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate for the respondents.

2. The petitioner has preferred this writ petition seeking to quash the notice dated 04.05.2019 issued by the second respondent, i.e., the Revenue Inspector, Thingalur Firka, Thingalur, Perundurai Taluk, Erode District.

3. We have perused the impugned notice dated 04.05.2019 issued by the second respondent. It is seen that the said notice is issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. However, the learned counsel for the petitioner apprehends that without issuing notice under Section 6 of the Act, the petitioner will be evicted.

4. It is settled law that after notice is issued under Section 7 of the said Act, notice under Section 6 of the Act would be issued to the party and only thereafter, the party can be evicted.

5. 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.Nos.14400 and 14401 of 2019 are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,  
Perundurai Taluk,  
Perundurai,  
Erode District.
2. The Revenue Inspector,  
Thingalur Firka, Thingalur,  
Perundurai Taluk,  
Erode District.

+1cc to the Government Pleader, S.R.No.48557  
+1cc to Mr.C.Prakasam, Advocate in sr.no.48250

SS(CO)  
CS/27/06/2019

W.P.No.14338 of 2019

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