

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.22053 of 2019
and W.M.P.Nos.21319 and 21320 of 2019

K.Murugan .. Petitioner

-vs-

- 1.The District Collector,
Dharmapuri District.
- 2.District Revenue Officer,
Dharmapuri District.
- 3.Thasildar,
Pappireddipatti Taluk,
Dharmapuri District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 3rd respondent dated 09.07.2019 and to quash the same.

For Petitioner : Mr.P.Paramasiva Doss

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

WEB COPY
* * * * *

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

Heard Mr.P.Paramasiva Doss, learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate, who takes notice on behalf of the respondents.

2.The petitioner seeks quashing of the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The said notice is dated 09.07.2019. The notice pertains to Survey No.5 of Thinnahalli Village, Pappireddypatti Taluk, Dharmapuri District. In the said notice, the petitioner is called upon to submit his explanation as to why action for re-possession of the land should not be initiated, as per Section 6 of the said Act.

3.Thus, it is seen that the petitioner is only called upon to give an explanation to the notice under Section 7 and it is always open to the petitioner to submit his explanation to the notice under Section 7, hence, we are of the opinion that this petition is premature as no notice under Section 6 of the said Act has yet been issued to the petitioner.

In such view of the matter, we dispose of this writ petition with liberty to the petitioner to submit his explanation to the notice under Section 7 of the said Act within two weeks to the concerned authority, who shall consider the same and pass orders thereon. No costs. Consequently, W.M.P.Nos.21319 and 21320 of 2019 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra
To

1.The District Collector,
Dharmapuri District.

2.District Revenue Officer,
Dharmapuri District.

3.Thasildar,
Pappireddipatti Taluk,
Dharmapuri District.

+1cc to Mr.J.Pradeep , Advocate SR.No. 64968

+1 cc to Government Pleader Sr.No. 65474

W.P.No.22053 of 2019

A.SK(28/08/2019)