

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2019

CORAM

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

THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.23688 of 2019

K.Kamaraj

.. Petitioner

Vs

- 1 The District Collector- Villupuram
Office of the District Collector
Collector Office Road, Moovendar Nagar
Villupuram- 605 602.
- 2 The District Revenue Officer
Office of the District Collector
Collector Office Road, Moovendar Nagar
Villupuram- 605 602.
- 3 The Special Tahsildar (Adi Dravida Welfare)
Ulundurpettai Taluk
Villupuram District.

4 R.Kannan

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records and quash the impugned notice of the third respondent in Na.Ka.A/65/2019, dated 25.7.2019 and to direct respondents 1 to 3 to allot the Plot No.139 of Gandhi Nagar, Ma.Kunnathur, Ulundurpettai Taluk, Villupuram District - 606 102 either to the petitioner or to his wife Smt.K.Vembu within a stipulated time.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondents 1 to 3

ORDER

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

Heard Mr.T.K.S.Gandhi, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for respondents 1 to 3.

2. The case of the petitioner is that he is in possession of the land situated at S.Nos.379/1A, 380/1A, M.Kunnathur Village, Ulundurpet Taluk. The petitioner has received a notice dated 25.7.2019 asking him to remove the encroachment on the said piece of land. The petitioner is seeking quashing of the said notice.

3. The learned counsel for the petitioner submitted that in the notice it is only stated that it is issued under the Tamil Nadu Land Encroachment Act, 1905 and no provision of the Act under which it has been issued is stated and hence, it is not possible for him to take steps to adopt any efficacious remedy against the same.

4. We have perused the said notice and it is noticed by us that in the notice, the provisions of the Act are not stated, i.e., whether it is under Section 7 of the Act or under Section 6 of the Act or any other provision of the said Act. In such case, we find much merit in the submission of the learned counsel for the petitioner that it is not possible for the petitioner to take appropriate steps in relation to the said notice.

In view of the above, we allow this writ petition and quash the impugned notice dated 25.7.2019. However, we observe that if the authorities are of the opinion that there is encroachment in the said piece of land, it would be open to them to issue fresh notice to the petitioner stating the Act and the relevant provisions of the Act under which it is issued. No costs. Consequently, W.M.P.Nos.23549 and 23551 of 2019 are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The District Collector- Villupuram
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- 3 The Special Tahsildar (Adi Dravida Welfare)
Ulundurpettai Taluk
Villupuram District.

+1cc to Mr.T.K.S.Gandhi, Advocate, S.R.No.69494

W.P.No.23688 of 2019

RRS (22/08/2019)



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