

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.26536 of 2019

S.Prabhu

.. Petitioner

-vs-

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore North Taluk Range,
Coimbatore.

3.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

4.The Revenue Inspector,
Perianaicken Palayam Village,
Coimbatore North Taluk,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the impugned notice dated 19.08.2019 issued by the third respondent with regard to the land in Survey No.388/1 and 388/2 in No.2, Gudalur Village, Coimbatore North Taluk, Coimbatore District.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate

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 calling for the records relating

to the impugned notice dated 19.08.2019 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and to quash the same.

2. It is the case of the petitioner that the third respondent while issuing notice under Section 6 of the Act has only granted seven days time for evicting the property in dispute.

3. The learned counsel appearing for the petitioner submitted that the petitioner has got thirty days time to file an appeal under Section 10 of the Act against the notice issued under Section 6 of the Act and, therefore, the impugned notice granting seven days time for evicting the property is liable to be set aside.

4. Mr.S.Kamalesh Kannan, learned Government Advocate taking notice on behalf of the respondents, fairly admitted that the petitioner was served with the impugned notice only on 23.08.2019.

5. Taking into consideration the submission made by the learned counsel appearing on either side, we are of the view that the petitioner can be given liberty to file an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 as against the impugned notice dated 19.08.2019. The official respondents are restrained from taking any action till 23.09.2019.

6. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.25905 to 25907 of 2019 are closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To:

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore North Taluk Range,
Coimbatore.

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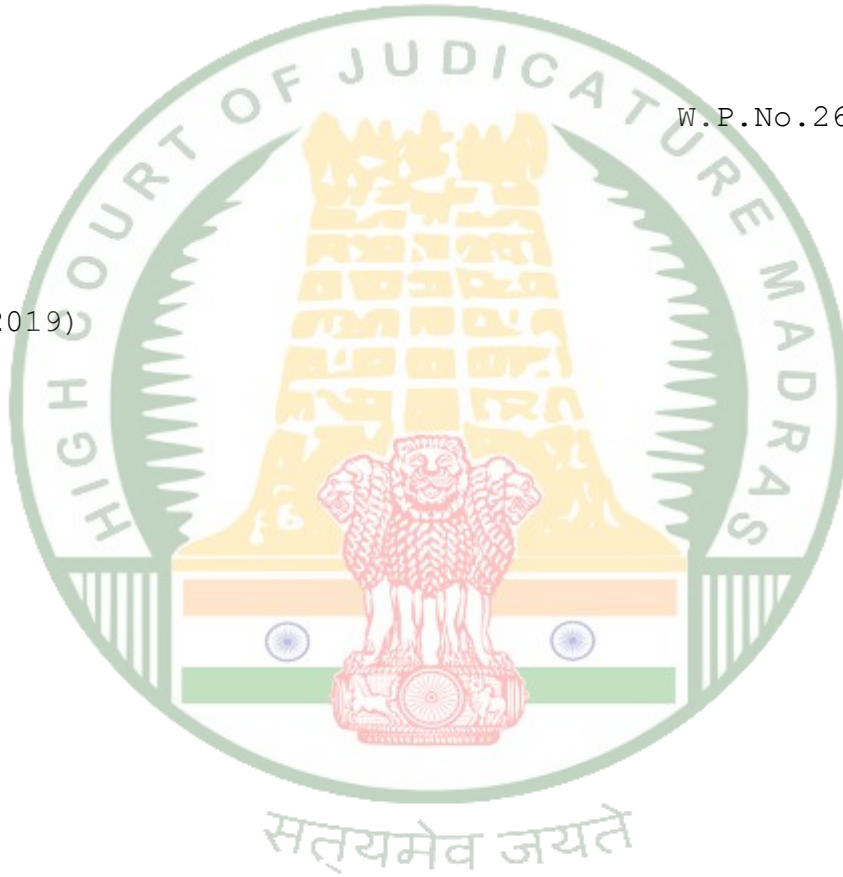
3.The Tahsildar,
Coimbatore North Taluk,
Coimbatore.

4.The Revenue Inspector,
Perianaicken Palayam Village,
Coimbatore North Taluk,
Coimbatore.

+1 CC to Mr.M.Sriram, Advocate sr 77175
+1 CC to The Govt. Pleader sr 77783

W.P.No.26536 of 2019

VGII (CO)
SP(26/09/2019)



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