



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.33559 of 2019
and W.M.P. No.34022 of 2019

M.Deivasigamani

... Petitioner

Vs

The Executive Officer,
Ulundurpet Town Panchayat,
Ulundurpet,
Villupuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to issuance of impugned notice dated 09.09.2019 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in proceedings Na.Ka.No.153/2019/A2 and consequential impugned Eviction order dated 18.10.2019 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in proceedings Na.Ka.No.153/2019/A2 issued by the respondent and quash the same.

For Petitioner : Mr.G.Krishnakumar

For Respondent : Mr.V.Jayaprakash Narayanan,

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

The writ petition has been filed challenging the impugned notice dated 09.09.2019 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in proceedings Na.Ka.No.153/2019/A2 and consequential impugned Eviction order dated 18.10.2019 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in proceedings Na.Ka.No.153/2019/A2 issued by the respondent.

2.The present writ petition has been filed only on the ground that the Executive Officer, respondent herein is not the competent authority to issue the above notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.



3. When the matter is taken up for consideration, learned counsel for respondent has admitted that the notice was not issued by the competent authority and that the Tahsildar is the competent authority to issue such notice. Therefore, fresh notice would be issued by the Tahsildar shortly by cancelling the above notice.

4. Recording the submission made by the learned counsel for respondent, the Writ Petition is disposed of. Consequently, W.M.P. No.34022 of 2019 is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Executive Officer,
Ulundurpet Town Panchayat,
Ulundurpet,
Villupuram District.

+1 cc to M/s.G.Krishnakumar, Advocate Sr.No. 100814
+1 cc to M/s.V.Jayaprakash Narayanan, Advocate Sr.No. 100611

AKM/21.01.2020/2P-4C /

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