

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.26213 of 2018

T.Rangasamy

.. Petitioner

vs.

- 1 The Revenue Divisional Officer
Thiruchengode Division
Namakkal-637 211
- 2 The Tahsildar
Thiruchengode Taluk
Namakkal-637 211
- 3 R.Chinnarangan
(R3 impleaded as per court order dated
09.10.2018 in W.M.P.No.31118/2018)
.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the entire records of the 1st respondent in his proceedings Na.Ka.2530/2018/AA, dated 13.08.2018 in respect of the alleged encroachment No.1 in S.No.390/1 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondents to restore the property (i.e.S.No.389/4) of the petitioner's possession.

For Petitioner : Ms.Kavitha Rameshwar

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c) - for R1 & R2

Mr..V.Balamurugane, - for R3

O R D E R
(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the order dated 13.08.2018 passed by the 1st respondent in respect of the alleged encroachment in S.No.390/1, to quash the same and consequently direct the respondents to restore the property of the petitioner's possession.

2. When the matter is taken up for hearing, Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) appearing for the respondents 1 and 2 submitted that the 2nd respondent has already issued a notice under section 7 of the Tamil Nadu Land Encroachment Act, dated 29.08.2018 to the petitioner and the petitioner has already given a reply to the said notice, which is under consideration.

3. Since the petitioner has already given his explanation to section 7 notice, we are of the unconsidered view that the 2nd respondent may be directed to pass orders under section 6 of the Tamil Nadu Land Encroachment Act, taking into consideration the reply submitted by the petitioner.

4. In such view of the matter, the Writ Petition is disposed of by directing the 2nd respondent to consider the petitioner's reply dated 05.09.2018 and pass orders, under section 6 of the Tamil Nadu Land Encroachment Act. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

To

1 The Revenue Divisional Officer
Thiruchengode Division
Namakkal-637 211

2 The Tahsildar
Thiruchengode Taluk
Namakkal-637 211

+1cc to Mr.N.Kavitharameshwar, Advocate, S.R.No.2170

+1cc to Mr.P.Muthukumarasamy, Advocate, S.R.No.2536

+1cc to the Government Pleader, S.R.No.2300

W.P. No.26213 of 2018

KJ (CO)
GSP (01/02/2019)



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