

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.33198 of 2018
and W.M.P.Nos.38531 and 38532 of 2018

P.Kamaraj ... Petitioner

-vs-

1.The District Collector,
Collector Office,
Villupuram Villupuram District.

2.Rural Development Officer,
Marakkanam Panchayat Union,
Marakkanam, Villupuram District.

3.Tashildar,
Markkanam Taluk, Villupuram District.

4.Junior Executive Engineer,
Tamil Nadu Electricity Board,
Bramadesam, Marakkanam Taluk,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, to call for the records relating to the proceeding in Na.Ka.Aa2/1010/2017 dated 03.09.2018, on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.A.Balasingh Ramanujam

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate for RR 1 to 3
: Mr.M.Varunkumar for R-4

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The above writ petition has been filed by the petitioner to issue writ of Certiorari, to call for the records

relating to the proceedings dated 03.09.2018, on the file of the second respondent and quash the same.

2.By the proceedings dated 03.09.2018, the second respondent observed that the notices under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, were served on the encroachers and therefore, the second respondent called upon them to appear for enquiry on 06.09.2018. Challenging the said proceedings, the petitioner has filed this writ petition.

3.When the writ petition was taken up for hearing, the learned counsel appearing for the petitioner disputed the fact that the petitioner was served with the notices, as stated above.

4.However, Mr.S.Kamalesh Kannan, learned Government Advocate appearing for the respondents, submitted that the notices under Sections 7 and 6 of the said Act were duly served, which were pasted in the premises of the petitioner, as contemplated under the Act. The learned Government Advocate also filed an additional affidavit of the second respondent to the said effect.

5.The learned counsel appearing for the petitioner submitted that in view of the averments stated in the additional affidavit of the second respondent, a liberty may be given to the petitioner to challenge the notice issued under Section 6 of the said Act, in accordance with law.

6.The submission made by the learned counsel for the petitioner is recorded.

7.In view of the above, the writ petition is disposed of. It is open to the petitioner to challenge the notice issued under Section 6 of the said Act, in accordance with law. No costs. Consequently, W.M.P.Nos.38531 and 38532 of 2018 are closed.

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Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Collector Office,
Villupuram Villupuram District.

2.The Rural Development Officer,
Marakkanam Panchayat Union,
Marakkanam, Villupuram District.

3.The Tashildar,
Markkanam Taluk, Villupuram District.

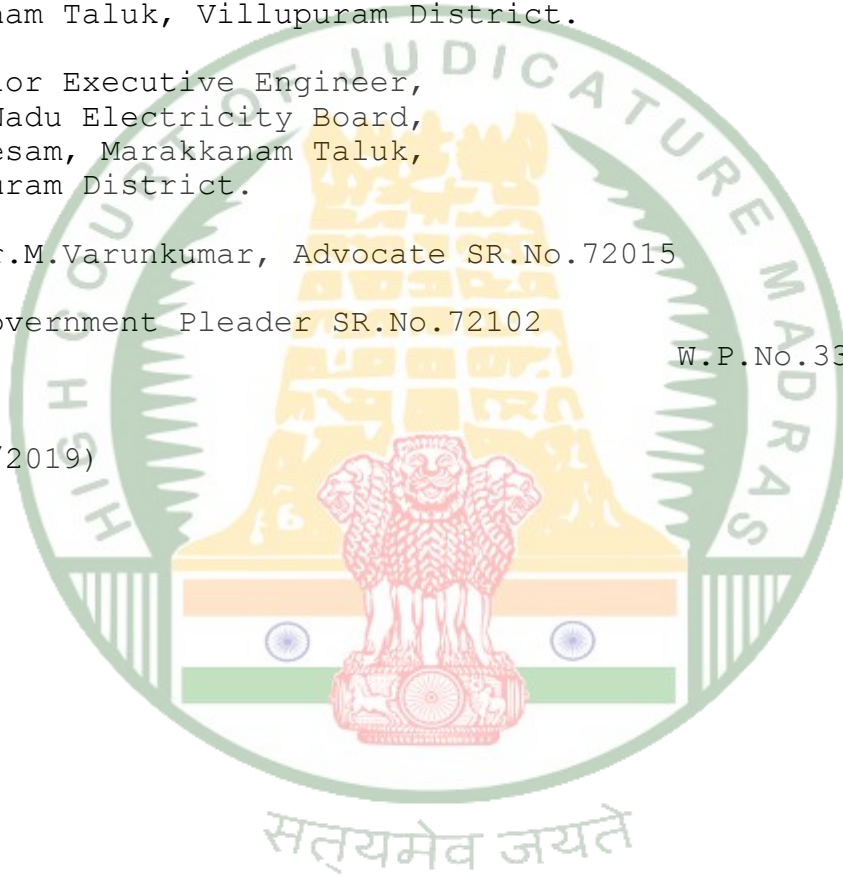
4.The Junior Executive Engineer,
Tamil Nadu Electricity Board,
Bramadesam, Marakkanam Taluk,
Villupuram District.

+1cc to Mr.M.Varunkumar, Advocate SR.No.72015

+1cc to Government Pleader SR.No.72102

W.P.No.33198 of 2018

RGN(CO)
GMY(23/09/2019)



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