

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.11606 of 2020
and
WMP.No.14231 of 2020

S.Shanmugam

... Petitioner

Vs.

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Tahsildar,
Sulur Taluk,
Sulur, Coimbatore District.
- 3.The Revenue Inspector,
Karumathampatti Firkha,
Karumathampatti,
Sulur Taluk, Coimbatore District.
- 4.The Block Development Officer,
Sulur Panchayat Union,
Sulur, Coimbatore District.

5.Velusamy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the notice issued under Reference No.Nil dated 30.07.2020 of the 3rd respondent and quash the same as illegal.

For Petitioner

.. Mr.A.E.Ravi Chandran

For Respondents

.. Mr.G.K.MuthuKumar,
Special Government Pleader,
for RR1 to R4

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ORDER

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

Mr.G.K.Muthukumar, learned Special Government Pleader, takes notice for respondents 1 to 4.

2. The petitioner has come forward to file this writ petition challenging the impugned order asking him to show cause as to why a final order cannot be passed.

3. Though the learned counsel appearing for the petitioner seeks to argue on merits, we do not propose to hear him for more than one reasons. Firstly, the petitioner has filed civil suit in O.S.No.62 of 2020 on the file of Sub Court, Coimbatore, against the respondents. Secondly, what has been challenged before us is only a show cause notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Therefore, the proceedings is yet to attain finality. Instead of awaiting the final order, after giving a reply, the petitioner has approached this Court on the premise that the land in question is a patta land, which factum is disputed and it is a matter for consideration at the time of passing final order under Section 6 of the Act.

4. In such view of the matter, we are not inclined to entertain this writ petition as there is no jurisdiction. Accordingly, the writ petition stands closed. We make it clear that the order passed will not impact the 3rd respondent, who is expected to pass final order based upon the merits. Similarly, we do not express anything on the contentions raised in the suit. Therefore, the Court concern shall pass appropriate orders in the pending suit on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition also stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

raa / kmk

To

1.The District Collector,
Coimbatore District,
Coimbatore.

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