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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15840 of 2021

and

W.M.P. No.16729 of 2021

Thilagavathy,
W/o. Kesavan

...Petitioner

Vs

- 1.The District Collector,
Chengalpattu Dt.,
Collectorate, Chengalpattu.
- 2.Divisional Revenue Officer,
DRO Office,
Chengalpattu.
- 3.Revenue Divisional Officer,
RDO Office,
Chengalpattu.
- 4.The Tahsildar cum Block
Development Officer,
PK Street, SH58 Desumugui Pet,
Thirukazhkundram,
Chengalpattu-603 109.
- 5.Village Administrative Officer,
PK Street, SH58 Desumugui Pet,
Kunathur Village, Manamai Post,
Thirukazhkundram,
Chengalpattu-603 109.
- 6.The Inspector of Police,
Sadar Police Station,
Thirukazhukundram.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the Respondents from entering into the petitioner's land in S.No.55/1, situated at No.1/36, Anupura Salai, Pulichakaddu Paguthy, Kunathur, Thirukazhukundram Taluk,



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Chengalpattu District-603 109 and to restrain them from demolishing the culvert constructed by the petitioner without following the due process of law.

For Petitioner : M/s.Paul and Paul
Mr.J.Hudson Samuel

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed seeking a direction restraining the respondents from entering into the petitioner's land in Survey No.55/1, situated at No.1/36, Anupura Salai, Pulichakaddu Paguthy, Kunathur, Thirukazhukundram Taluk, Chengalpattu District and restraining them from demolishing the culvert constructed by the petitioner.

2. The grievance of the petitioner is that, the petitioner has put up a culvert in front of petitioner's land, without any notice whatsoever, the respondents are taking steps to demolish the same. In the above circumstances, the present Writ Petition has been filed.

3. Today, when the matter taken up for hearing, learned counsel appearing for petitioner would submit that, after filing Writ Petition, now a show cause notice was issued to the petitioner under Sec.7 of Land Encroachment Act, directing the petitioner to appear before the 1st respondent on 30.08.2021. Considering the fact that, already the notice under Sec.7 of the Act has been issued, the relief sought by the petitioner cannot be granted at this stage. However, the petitioner is directed to appear before the 1st respondent and raise objections. On filing objections, the 1st respondent is directed to conduct enquiry and pass suitable orders on merits in accordance with law. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rpp



To

1.The District Collector,
Chengalpattu Dt.,
Collectorate, Chengalpattu.

2.Divisional Revenue Officer,
DRO Office,
Chengalpattu.

3.Revenue Divisional Officer,
RDO Office,
Chengalpattu.

4.The Tahsildar cum Block
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Kunathur Village, Manamai Post,
Thirukazhkundram,
Chengalpattu-603 109.

6.The Inspector of Police,
Sadar Police Station,
Thirukazhukundram.

+1 cc to Mr.Paul & Paul, Advocate Sr.No.36911

+1 cc to the Government Pleader, Sr.No.37685

W.P.No.15840 of 2021

PL(CO)
RVM(17/08/2021)