



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P. No.19908 of 2021
and
WMP.Nos.21154 and 21156 of 2021

P.Jayakumar

..Petitioner

Versus

1. The District Collector,
Kancheepuram District.

2. The Tahsildar,
Alandur Taluk Office, Chennai.

3. Block Development Officer,
Moulivakkam Panchayat Union,
Moulivakkam, Kancheepuram District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records pertaining to the notice dated 25.02.2021 issued by the 2nd respondent and quash the same.

For petitioner : Mr.T.S.Saravanan

For respondents : Mr.T.N.C.Kaushik

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. The petitioner challenges the order of the second respondent issued under Section 6 of the Land Encroachment Act.

3. The learned counsel appearing for the petitioner Mr.T.S.Saravanan, would state that the petitioner is running a petty shop at Door No.5/97, Jayalakshmi Nagar, Moulivakkam, Chennai 125, but the second respondent initiated proceedings to remove the encroachment at Survey No.35/2, Madhanandhapuram at Kancheepuram District. However, based on the proceedings initiated, now attempt is being made to demolish the shop of the



petitioner.

4. Mr.T.N.C.Kaushik, learned Standing Counsel appearing for the respondents on instructions would state that the authorities found encroachment in the Highways, but the second respondent/Alandur Tahsildar has no jurisdiction to issue the notice impugned in the Writ Petition. The Tahsildar, Kundrathur, will initiate proceedings to remove the encroachment in the area in dispute.

5. In the light of the submissions of the learned Government Advocate, the order impugned in this Writ Petition is quashed and the Tahsildar, Kundrathur is hereby directed to take appropriate action to remove the encroachment after affording ample opportunity to the petitioner in accordance with law.

6. With the above directions, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Kancheepuram District.
2. The Tahsildar,
Alandur Taluk Office, Chennai.
3. Block Development Officer,
Moulivakkam Panchayat Union,
Moulivakkam, Kancheepuram District.
4. The Tahsildar,
Kundrathur.

+1cc to M/s.T.Saravanan, Advocate, S.R.No.47770/21
+1cc to the Government Pleader, S.R.No.48288/21

W.P. No.19908 of 2021

SSV(CO)
RGA(12/10/2021)