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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.09.2021

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

W.P.No.19929 of 2021
and W.M.P.No.21180 of 2021

P.Gopal

... Petitioner

-vs-

1.The District Collector
Thiruvallur Collector Office,
Thiruvallur - 602001.

2.The Tahsildar
Poonamallee,
No.5, Trunk Road,
Poonamallee, Chennai - 600056.

3.The Revenue Inspector
Poonamallee,
No.5, Trunk Road,
Poonamallee, Chennai - 600056.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records of the 3rd respondent in their impugned Notice under Tamil Nadu 3 Act, 1905 (Tamil Nadu Land Encroachment Act,1905) under Section 7 notice, dated 03.09.2021, relating to the explanation Notice to evict the petitioner's residential house situated at No.144, Ground Floor, KGT Nagar, Kattupakkam, Chennai - 600 056, measuring to an extent of 908 sq.ft., and quash the same and consequently forbearing the respondents from in anyway interfering with the petitioner's peaceful possession and enjoyment of the house till the appropriate action of the revenue authority as per law

For petitioner : Mr.G.V.Sridharan

For respondents: Ms.Akila Rajendran
Government Advocate



ORDER

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

This writ petition has been filed, challenging the notice dated 03.09.2021 issued by the 3rd respondent, under Section 7 of the Tamil Nadu Land Encroachers Act.

2.The learned counsel for the petitioner would state that the petitioner is the absolute owner of the property in Survey No.62/2, bearing Plot No.144 at koparasanallur Village, Poonamallee Taluk, Thiruvallur District, measuring to an extent of 908 sq.ft., which is lying in an approved layout. The respondents without any notice, issued the order impugned in this writ petition.

3.The learned Government Advocate appearing for the respondents would state that the impugned notice has been issued for the land situated in Survey No.62/1, which has been classified as "Meikkal Poramboke". According to the learned counsel, this writ petition is not maintainable and the petitioner has to appear for an enquiry to be conducted by the 3rd respondent. It is also stated that so far the petitioner has not submitted any reply to the impugned notice dated 03.09.2021.

4.We have heard the learned counsel appearing for the parties and perused the materials available on record.

5.As rightly pointed out by the learned Government Advocate, the impugned notice has been issued for removal of encroachment made in the land situated in Survey No.62/1, which has been classified as "Meikkal Poramboke". The petitioner claims to be the owner of the property in Survey No.62/2 bearing Plot No.144 at koparasanallur Village, Poonamallee Taluk, Thiruvallur District. Hence, we are not inclined to entertain this writ petition. However, two weeks time is granted to the petitioner to submit his reply and on such receipt, the 3rd respondent shall consider the same and after affording opportunity of personal hearing, pass orders in accordance with law.

6.With the above direction, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar



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To

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+lcc to Mr.G.V.Sridharan, Advocate, S.R.No.50299
+lcc to the Government Pleader, S.R.No.50522

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SS(CO)
CB(01/11/2021)