



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.09.2021

CORAM:

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

W.P. No.20242 of 2021
and WMP.No.21499 of 2021

D.Murugamoorthy

.. Petitioner

Versus

1. The District Collector,
Chengalpet,
Chengalpet District.
2. The Tahsildar,
Office of the Tahsildar,
Thiruporur Taluk,
Chengalpet District.
3. The Revenue Inspector,
Office of the Revenue Inspector,
Manamathi Firka,
Thiruporur Village,
Chengalpet District.
4. The Village Administrative Officer,
Periya Veppedu Village,
Thiruporur Taluk,
Chengalpet District.
5. C.Srinivasan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Na/Ka/1527/2020/A1 and quash the impugned notice dated 27.08.2021 issued by the 2nd respondent purporting to be under Section 7 of the Land Encroachment Act, 1905, bearing Door No., at Kattakazhani Village, Thiruporur Taluk, Chengalpet District as the same is ultra virus, unconstitutional, perverse, arbitrary, biased, illegal and against all principles of law and natural justice and consequently forbearing the respondents, their men, agents, servants, and subordinates from demolishing or in any other manner proceeding against the petitioner's property detailed above pursuant to the impugned notice dated 27.08.2021 or otherwise.



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For petitioner : Mr.A.Vimalraj

For respondents
for RR1 to 4: 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. This Writ Petition has been filed challenging the notice issued by the third respondent under Section 7 of the Land Encroachment Act.

3. It appears that the fifth respondent filed Writ Petition WP.No.3180 of 2021 for removal of encroachment in Survey No.33/10 and in pursuance of the order passed in the said Writ Petition, the notice impugned in this Writ Petition has been issued.

4. It is the contention of the learned counsel for the petitioner that the Tahsildar in his report dated 27.8.2021 has found that there is no road in the land in dispute and the proceedings were initiated at the fifth respondent, whose intention is to grab the public road. It is also stated that the order under Section 6 has been passed subsequent to the notice issued under Section 7 of the Act.

5. In the light of the submissions of the learned counsel appearing for the petitioner, we are of the opinion that the prayer sought for in the Writ Petition has become infructuous, hence, it is dismissed as having become infructuous. However, liberty is given to the petitioner to file an appeal challenging the order passed under Section 6 of the Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Cs-III)

//True copy//

Sub Assistant Registrar

pvs



To

1. The District Collector,
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Chengalpet District.
2. The Tahsildar,
Office of the Tahsildar,
Thiruporur Taluk,
Chengalpet District.
3. The Revenue Inspector,
Office of the Revenue Inspector,
Manamathi Firka,
Thiruporur Village,
Chengalpet District.
4. The Village Administrative Officer,
Periya Veppedu Village,
Thiruporur Taluk,
Chengalpet District.

+1cc to Government Pleader SR.No.49427

W.P. No.20242 of 2021

GSM(CO)
GMY(27/10/2021)