



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8601 of 2020

and

W.M.P.Nos. 10397 and 10417 of 2020

R.Devaraj

... Petitioner

vs.

1.The District Collector,
Krishnagiri, Krishnagiri District.

2.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

4.The Asst. Engineer (O&M),
Tamilnadu Electricity Board
Hosur, Krishnagiri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents herein to furnish show cause notice to the petitioner and give opportunity for proper explain till then not to demolish/evict the petitioner from his property situated at No.1/76-5, Thorapalli Agraharam Post, Hosur Taluk, Krishnagiri District, comprised in Survey No.528 to the petitioner herein.

For Petitioner : Mr.R.Ramesh

For R1 to R3 : Mr.C.Kathiravan
Special Government Pleader



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents herein to furnish show cause notice to the petitioner and give opportunity for proper explanation till then not to demolish/evict the petitioner from his property situated at No.1/76-5, Thorapalli Agraharam Post, Hosur Taluk, Krishnagiri District, comprised in Survey No.528 to the petitioner herein.

2. On perusal of the counter affidavit filed by the 3rd respondent, revealed that to evict the encroachment of the petitioner, notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued on 14.05.2020. The petitioner and his family members refused to receive the said notice and quarrelled with the concerned officials and also prevented the Government officials from discharging their official duty. Therefore, a complaint was lodged as against the petitioner and the case has been registered in Crime No.677/2020 under Sections 294(b), 353, 506(i) IPC and it is pending for investigation. Thereafter, notice under Section 6 of the Act has been issued to the petitioner to evict the encroachment in the subject land. However, the case of the petitioner is that he was not served any notice.

3. Considering the above, the 3rd respondent is directed to serve copy of the notice under Section 6 of the Act, within a period of two weeks from the date of receipt of a copy of this order. The petitioner is at liberty to challenge the same by way of appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 in the manner known to law. Till serving the notice under Section 6 of the Act to the petitioner, the 3rd respondent is directed not to take steps to demolish the petitioner's house.

4. With the above directions, the writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

dm



To

1.The District Collector,
Krishnagiri, Krishnagiri District.

2.The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

3.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

4.The Asst. Engineer (O&M),
Tamilnadu Electricity Board
Hosur, Krishnagiri District.

+lcc to Mr.R.Ramesh, Advocate SR. No.2284
+lcc to Government Pleader SR. No.3065

W.P.No.8601 of 2020

MT (CO)
PR (09/02/2022)