



WP No.24922 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

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V.R.Ramanathan

: Petitioner

versus

1.The State of Tamil Nadu,
rep. By its Secretary,
Revenue Department, Fort St.George,
Secretariat, Chennai 600009

2.The Competent Authority,
Urban Land Ceiling,
Urban land Commissioner,
Kaneeyar Street, Adambakkam,
Chennai 600088

3.The Tahsildar,
Pallavaram Taluk,
Pallavaram Chennai.

4.The Revenue Inspector,
Pallavaram Inner Circle,
Pallavaram, Chennai

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned notice dated 14.08.2023 under Section 7 of the land Encroachment Act, 1905 by the 4th respondent and quash the same.



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For the Petitioner : Mr.J.Abdul Hadi
For the Respondents : Mrs.R.Anitha,
Special Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.J.Abdul Hadi, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader, for the respondents.

2. The petitioner is challenging the notice issued under Section 7 of the Land Encroachment Act, 1905 (hereinafter referred to as 'the Act').

3. The learned counsel for the petitioner submits that the notice issued under Section 7 of the Act is illegal. The petitioner is a legitimate occupier and possessor of the property. However, the respondents in an highhanded manner, have demolished the compound wall.

4. On the last date, we asked the learned Government Pleader as to the issuance of order under Section 6 of the Act.

5. Today, Mrs.R.Anitha, learned Special Government Pleader, on instructions, submits that no order under Section 6 of the Act was passed.

6. The respondents could not have demolished the compound wall



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without an order under Section 6 of the Act; more particularly when notice under Section 7 of the Act was issued. It appears that reasonable time was also not given to reply to the said notice. Only two days' time was given. The same also does not appear to be reasonable and in consonance with the statutory provisions.

7. In light of that, no further action shall be taken by the respondents unless an order under Section 6 of the Act is passed.

8. The petitioner shall file a reply to the notice issued under Section 7 of the Act within 15 days from today. Upon receipt of reply from the petitioner and going through the documents filed by him, the authority shall take a decision as per Section 6 of the Act, on its own merits.

9. The writ petition is accordingly disposed of. There will be no order as to costs. Consequently, WMP Nos.24348 and 24350 of 2023 are closed.

(S.V.G., C.J.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(tar)

To

- 1.The Secretary,
Revenue Department, Fort St.George,
Secretariat, Chennai 600009
- 2.The Competent Authority,
Urban Land Ceiling, Urban land Commissioner,
Kaneeyar Street, Adambakkam,
Chennai 600088
- 3.The Tahsildar, Pallavaram, Chennai.
- 4.The Revenue Inspector, Pallavaram, Chennai

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