



W.P.No.11783 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11783 of 2024

Krishna Kumar Chockalingam

.. Petitioner

Vs.

1. The District Collector
Collectorate Office, Vellore – 632 001.
2. The Revenue Inspector
Taluk Office, Vellore – 632 001.
3. The Tahsildar
Taluk Office, Vellore – 632 001.
4. The District Revenue Officer
District Collectorate
Vellore – 632 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, to call for the records on the file of the 3rd Respondent dated 14.09.2022 and quash the same as illegal, incompetent and without jurisdiction and further forbearing the respondents from interfering with the possession of the petitioner with respect the property in S.No.346/1, Vellore North, Ward 3, Block 15, Vellore, Vellore District.



W.P.No.11783 of 2024

WEB COPY

For the Petitioner : Mr.Jayesh B.Dolia
Senior Counsel
for M/s.Aiyar and Dolia

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.K.Karthik Jegannath
Government Advocate

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Jayesh B.Dolia, learned Senior Counsel appearing for M/s.Aiyar and Dolia, for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.K.Karthik Jegannath, learned Government Advocate for the respondents.

2. The petitioner is challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [in short, "the Act of 1905"].

3. Learned Senior Counsel submits that the petitioner has given a reply to the said notice, however, without considering the reply filed by the petitioner, the respondents are trying to demolish the construction of the petitioner.



W.P.No.11783 of 2024

WEB COPY

4. The notice issued under Section 7 of the Act of 1905 is a show-cause notice. The petitioner has already filed a reply to the said notice. Action can be taken only after the order under Section 6 of the Act of 1905 is passed.

5. Learned State Government Pleader submits that if the order under Section 6 of the Act of 1905 is not passed, the objections would be considered and then the order under Section 6 of the Act of 1905 would be passed.

6. If the order under Section 6 of the Act of 1905 is passed, then the petitioner has the liberty to file an appeal under Section 10 of the Act of 1905.



W.P.No.11783 of 2024

WEB COPY

7. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.12867 and 12868 of 2024 are closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

29.04.2024

Index : Yes/No
Neutral Citation : Yes/No

drm



W.P.No.11783 of 2024

WEB COPY

To

1. The District Collector
Collectorate Office, Vellore – 632 001.
2. The Revenue Inspector
Taluk Office, Vellore – 632 001.
3. The Tahsildar
Taluk Office, Vellore – 632 001.
4. The District Revenue Officer
District Collectorate
Vellore – 632 001.



WEB COPY



W.P.No.11783 of 2024

THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(drm)

W.P.No.11783 of 2024

29.04.2024