
(1995) 07 MAD CK 0080

In the Madras High Court

Case No : Writ Petition No's. 9013 to 9015/95 and W.M.Ps. 14336 to 14341 of 1995

Sri Chamundi Leather and Others

APPELLANT

Vs

The Collector and Others

RESPONDENT

Date of Decision : 17-07-1995

Acts Referred:

Land Encroachment Act, 1905 — Section 6, 7

Citation : (1995) 2 CTC 355

Hon'ble Judges : Jagadeesan, J

Bench : Single Bench

Advocate : D. Rajagopal, for the Appellant; V. Subbarayan, Additional Govet. Pleader, for the Respondent

Judgement

Jagadeesan, J.—Heard the counsel for the petitioners. The proceedings of the Tahsildar issued u/s 6 of the Land Encroachment Act 1905 is being challenged on the ground that the Notice as required u/s 7 of the said Act has not been issued to the petitioners. Issue of Section 7 notice is a condition precedent for the issue of Order u/s 6. When the matter came up for admission, I requested the learned Additional Government Pleader to get the records, since the question involved is too short and on perusal of the records the Writs can be disposed of.

2. Today the Government Pleader produced the records. From the records, there is nothing to show that a notice as required u/s 7 of the said Act has been served on the petitioners. Hence the condition precedent to issue the Order u/s 6 has not been complied with by the Authorities before ever the Order u/s 6 of the said Act is passed. Hence all the Writ Petitions are allowed and the proceedings of the Tahsildar issued u/s 6 of the Land Encroachment Act are quashed.

3. However, it is open to the respondents to issue a fresh notice as required u/s 7 of the Land Encroachment Act to the petitioners and thereafter proceed afresh in respect of the eviction proceedings.

4. Accordingly the Writ Petitions stand allowed. No costs.

5. In view of the disposal of the main W.Ps. W.M.P. No. 14336 to 14341 of 1995 are dismissed.