



W.P.(MD)No.8958 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF
JUSTICE**

and

THE HONOURABLE Mrs.JUSTICE L.VICTORIA GOWRI

**W.P.(MD) No.8958 of 2018
and WMP(MD) Nos.8370 and 8371 of 2018**

Sigappi

... Petitioner

Vs

1. The District Collector,
Sivagangai District.

2. The Tahsildar,
Sivagangai Taluk Sivagangai District.

3. The Zonal Deputy Tahsildar,
Okkur, Sivagangai Taluk ,
Sivagangai District.

4. The Revenue Inspector,
Madagupatti Firka, Sivagangai Taluk,
Sivagangai District.

5. Subramanian,
Udayan, North Street, Kadaneri Village,
Sivagangai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 4th respondent dated 12.03.2018 and impugned order of 3rd respondent dated 10.4.2018 quash the same and consequently direct the respondents herein not to interfere with the petitioners occupied natham in Survey No.137/2 in Kadaneri Village & Group, Sivagangai Taluk, Sivagangai District admesuring 0.05.0 Ares.

For Petitioner : Mr.S.Srinivasaraghavan

For Respondent: Mr.S.P.Maharajan for R1 to R4

Special Government Pleader

Mr.C.Arul Vadivel @ Sekar for R5

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard the learned counsel for the petitioner, the learned Special Government Advocate for the respondents 1 to 4 and the learned counsel for the respondent No.5.

2. It is submitted by the learned Advocate for the petitioner that Section 7 notice under Tamil Nadu Land Encroachment Act,



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1905 has been issued. The petitioner has filed a suit for injunction. The land in question is a natham land. The respondent could not have issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short, 'Act, 1905')

3. The notice under Section 7 of the Act, 1905 is in the nature of show cause notice soliciting reply from the petitioner. The petitioner has already filed a reply. Naturally, the authority before proceeding under Section 6 of the Act, 1905 has to consider the reply and the documents filed by the petitioner.

4. In light of that, while taking decision under Section 6 of the Act, 1905, the authority shall consider the reply filed by the petitioner.

5. The writ petition stands disposed of. However, there is no order as to costs. Consequently connected Miscellaneous Petitions



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WEB COPY are closed.

[S.V.G., .C.J.]

[L.V.G., J.]

01.12.2023

Index : Yes / No
Neutral Citation : Yes / No

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To:

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THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

RR

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