

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. Nos.25435 and 25436 of 2015
and
M.P. Nos.1 & 2 of 2015

L. Madhan Kumar

... Petitioner in
WP No.25435 of 2015

V. Rajamanickam

... Petitioner in
WP No.25436 of 2015

Vs.

The Tahsildar
Madhavaram Taluk
Taluk Office
Madhavaram
Thiruvallur District

.... Respondent in both
the writ petitions

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the respondent pertaining to his proceedings in Na.Ka.No.86/2015/A1 dated 20.07.2015 and quash the same.

For petitioner in : Mr. G. Arul Murugan
both the WPs

For respondent in : Mr. N. Sakthivel
both the WPs Government Advocate

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COMMON ORDER
(made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel on either side, the writ petitions are taken up for final disposal, at the admission stage itself. Further, the issue involved in both the writ petitions being common, both the writ petitions are being considered and decided by this common order.

2. Assailing the legality and validity of the eviction notices dated 20th July 2015 issued by the respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), the petitioners have come up with the instant writ petitions.

3. According to the petitioners, they have purchased the plots in question vide unregistered sale deeds dated 24th March 2014 and 3rd March 2015 respectively and thereafter, constructed houses in the said plots. Since then, they have been in absolute possession and enjoyment of the said properties. While so, all of a sudden, they have been served with notices under Section 6 of the Act, requiring them to vacate the properties in question within a period of seven days, failing which, they would be evicted and that the houses and the materials therein would be confiscated.

4. The main bone of contention of the learned counsel for the petitioners is that before the issuance of the impugned notices under Section 6 of the Act, the petitioners have not been issued with notices under Section 7, as mandated under the Act and as such, on that score itself, the impugned notices are liable to be set aside.

5. On a perusal of the impugned notices, it is eloquent that no notice under Section 7 of the Act was given to the petitioners, affording an opportunity to them, to put forth their case and as such, the impugned notices cannot be acted upon, without affording an opportunity of hearing to them.

6. In such view of the matter, we treat the impugned notices as show cause notices under the provisions of Section 7 of the Act and grant two weeks' time to the petitioners from today to put forth their case by way of representation/explanation before the authorities. The authorities are, thereafter, directed to examine the matter after proper verification and take consequential action, if need be. Such exercise shall be completed within a period of four

weeks from the date of receipt of the petitioners' representation/explanation. Needless to state that each and every averment made by the petitioners in their representation/explanation is required to be adverted to, while passing reasoned orders.

7. The writ petitions stand disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

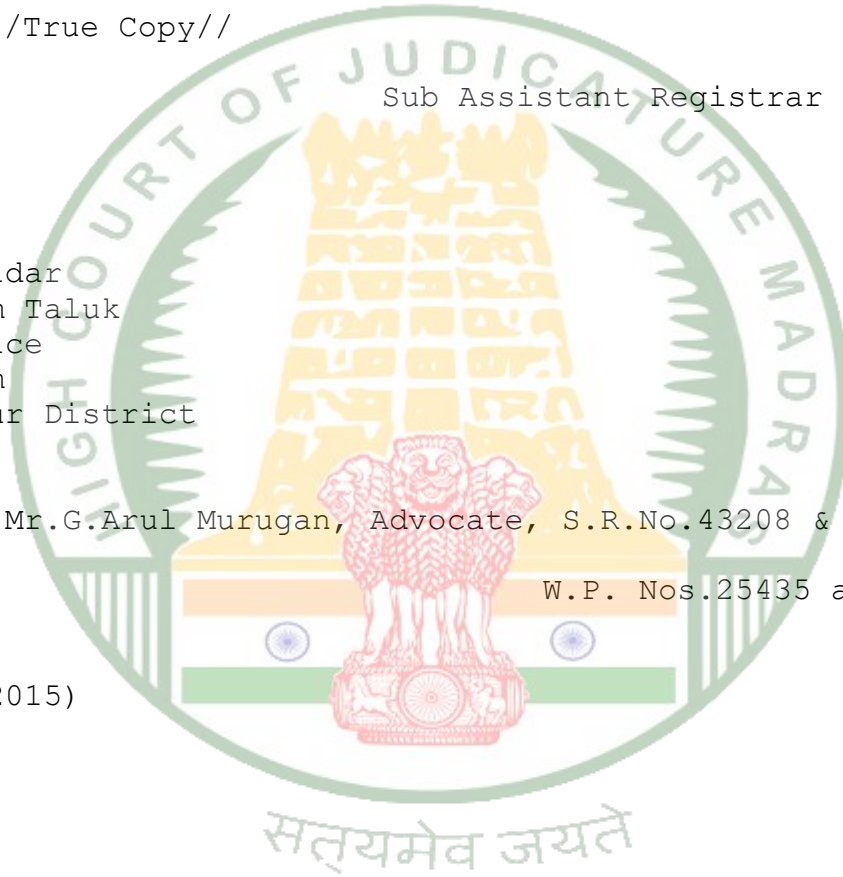
To

The Tahsildar
Madhavaram Taluk
Taluk Office
Madhavaram
Thiruvallur District

+2cc's to Mr.G.Arul Murugan, Advocate, S.R.No.43208 & 43209

W.P. Nos.25435 and 25436 of 2015

BVR(CO)
CA(01/09/2015)



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