



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.19211 of 2015
and MP (MD) No.1 of 2015

P.Pitchaimuthu

... Petitioner

Vs.

1.The District Collector,
Karur District, Karur.

2.The Tahsildar,
Aravakurichi Taluk,
Aravakurichi,
Karur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned notices issued by the second respondent in Na.ka.A1/7742/2015 dated 23.09.2015 and Na.Ka.A1/7742/2015 dated 13.10.2015 and quash the same as arbitrary illegal and against the provision of the Act and consequently restraining the respondents from proceeding further in terms of the impugned notices vide Na.ka.A1/7742/2015 dated 23.09.2015 and Na.Ka.A1/7742/2015 dated 13.10.2015.

For Petitioner

: Mr.V.Balaji

For Respondents

: Mr.M.Alagathevan
Spl.Govt.Pleader

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

Challenging the impugned notices dated 23.09.2015 and 13.10.2015 issued by the second respondent, the present writ petition has been filed.

2.This writ petition deserves to be allowed on the short ground that the second respondent has issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 for which, the petitioner has given reply on 25.09.2015 and the same has been properly acknowledged. A copy of the acknowledgement has also been produced before this Court. However, without considering the said reply, the impugned notice dated 13.10.2015 has been issued under Section 6 of the said Act.

3.The reply given by the petitioner on 25.09.2015 and his objections contained therein have not been considered and therefore, it



is an order without application of mind and the relevant materials submitted by the petitioner have also not been considered. There are no materials in the impugned notice/order to show that the reply given by the petitioner has been considered. Therefore, the impugned order has been passed in violation of principles of natural justice and without application of mind.

4. Accordingly, the writ petition is allowed and the impugned notices are set aside giving liberty to the authority to pass fresh order on the basis of the reply given by the petitioner. No costs. Connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

mj

To

1. The District Collector,
Karur District, Karur.

2. The Tahsildar,
Aravakurichi Taluk,
Aravakurichi,
Karur District.

+1CC to Mr.V.Balaji Advocate Sr.No.62771

+1CC to Spl.Government Pleader Sr.No.63152

GJM/JGB/DP/6.11.15-2P-5C

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