



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.12.2016
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU
W.P(MD)No.578 of 2015
and M.P.(MD)No. 1 of 2015

Mathibalan

.. Petitioner

vs.

1. The Revenue Inspector,
Kalayarkovil,
Sivagangai District.

2. The Village Administrative officer,
121, Usilangulam Group,
Sivagangai District.

3. KR. Viswanathan

(R3 is impleaded vide court order

dated 1.3.2016 in M.P(MD) No.2 of 2015)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned notice issued by the respondents vide Nil dated 31.12.2014 and quash the same and consequently forbear the respondents from causing hurdles to petitioner or his property or the agricultural cultivations in petitioner's property without adhering due process of law and may pass such other or further orders.

For Petitioner	: Mr. K.P. Narayanakumar
For R1 & R2	: Mr. T.S. Mohammed Mohideen for Additional Government Pleader
For R3	: M/s.P.Jessi Jeeva Priya

O R D E R

The petitioner seeks for issuance of a writ of certiorarified mandamus to quash the impugned notice issued by the respondents vide Nil dated 31.12.2014 and consequently forbear the respondents from causing hurdles to petitioner or his property or the agricultural cultivations in petitioner's property without adhering due process of law

2. Heard both sides.

<https://hcservices.courts.gov.in/hcsportal>
3. The petitioner is aggrieved against the impugned notice dated 31.12.2014 issued under Section 5 of the land encroachment Act. His grievance is that the authorities have proceeded against



the petitioner without following due process namely by issuing notice under Section 7 followed by Section 6 of the said act.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the authorities will proceed against the petitioner in accordance with law and as per the procedure contemplated in G.O.Ms.No.540 Revenue(LD6(2)) dated 4.12.2014 and therefore, the petitioner need not have any apprehension.

5. Since the grievance of the petitioner is that the authorities have proceeded to issue the impugned proceedings without issuing under Section 7, in order to avoid multiplicity of proceedings, this Court is of the view that it would suffice that the present impugned proceedings under Section 5 is treated as notice under Section 7 thereby calling upon the petitioner to give his explanation and thereafter to decide the matter after hearing the petitioner as well as the third respondent/complainant.

6. Accordingly, this writ petition is disposed of by directing the concerned revenue official namely Tahsildar of Melur Taluk to treat the notice issued to the petitioner dated 31.12.2014 as one under Section 7 of Land Encroachment Act and proceed against the petitioner from that stage onwards in accordance with law. The petitioner is given three weeks time to give reply to the said notice from the date of receipt of copy of this order. On receipt of the explanation given by the petitioner, Further proceedings shall be conducted in accordance with law and appropriate orders shall be passed on merits after hearing the parties concerned within a period of three months thereafter.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected M.P(MD) No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar

To,

1. The Revenue Inspector, Kalayarkovil,
Sivagangai District.

2. The Village Administrative officer,
121, Usilangulam Group,
Sivagangai District.

+1cc to Mr.K.P.Narayanakumar, Advocate Sr.No.79913

+One cc to M/S.S.SUBBIAH, Advocate, SR.No.79241

+One cc to The Special Government Pleader, SR.No.79862

W.P(MD)No.578 of 2015
and M.P.(MD)No. 1 of 2015