



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) Nos.16603 and 16604 of 2016

and

W.M.P(MD)Nos.12091, 12092, 12093 and 12094 of 2016

P.Devi ... Petitioner in W.P(MD)No.16603 of 2016
A.Jesintha Mary ... Petitioner in W.P(MD)No.16604 of 2016

Vs.

The Tahsildar,
Peravurani Taluk,
Thanjavur District. ... Respondent in both W.Ps.

Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the impugned notice of the respondent dated 17.08.2016 and quash the same.

For Petitioner	: Mr.H.Arumugam
For Respondent	: Mr.M.Alagathevan,
(In both W.Ps)	Special Government Pleader.

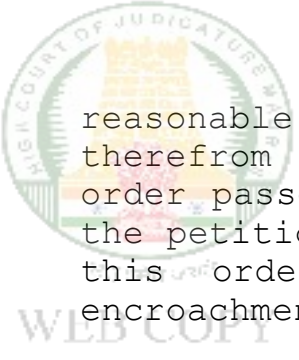
ORDER

(Order of the Court was made by **NOOTY.RAMAMOHANA RAO,J**)

Anticipating that the Tahilsidar, Peravurani Taluk, Thanjavur District, the respondent herein without passing necessary orders under Section 6 of the Land Encroachment Act, 1905 is likely to evict the writ petitioners, the present writ petitions have been filed.

2.It is not in doubt that the Tahsildar has issued a show cause notice under Section 7 of the Land Encroachment Act, 1905 and therefore, we cannot assume that the Tahsildar without passing orders, containing necessary reasons to deal with the objections raised by the petitioners, under Section 6 would seek to evict the petitioners.

<https://hcservices.ecourts.gov.in/Webservices> make it very clear that the respondent shall take necessary steps and action only upon passing an order under Section 6 of the Act and communicate the same and also give a



reasonable time for the petitioners to retrieve their belongings therefrom before they are evicted therefrom. Till an appropriate order passed under Section 6 and communicated to the petitioners, the petitioners shall not be evicted. However, under the guise of this order, the petitioners shall also not make further encroachments.

4.The writ petitions are disposed of accordingly. No costs. Consequently, W.M.P(MD)Nos.12091, 12092, 12093 and 12094 of 2016 are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

sms

To

The Tahsildar,

Peravurani Taluk, Thanjavur District.

+2CC to Mr.H.Arumugam, Advocate Sr.No.49432, 49433

+1CC to Spl.Government Pleader Sr.No.50067

GJM/SS2/16.9.16-2P-5C

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