



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

W.P.[MD].No.20055 of 2016

and

W.M.P. (MD) Nos.14411 and 14412 of 2016

T.Raju

: Petitioner

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

3.R.Kaleeswaran

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the second respondent's impugned notice in Na.Ka.No.B9/6778/16, dated 13.09.2016 issued by the second respondent and quash the same.

For Petitioner : Mr.H.Velavadhas
For Respondents 1&2 : Mr.Aayiram K.Selvakumar,
Government Advocate

O R D E R

[Order of the Court was made by M.V.MURALIDARAN, J.]

Challenging the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the present Writ Petition has been filed by the writ petitioner.

2. The case of the petitioner is that he is the owner of the property in question and patta has also been issued in his name. Notice under Section 7 was issued to the petitioner on 01.07.2016, directing the petitioner to give explanation, within a period of fifteen days. Based on the notice, he has given a reply on



15.07.2016. But, without considering the reply given by the petitioner dated 15.07.2016, the present impugned notice dated 13.09.2016 under Section 6 was issued.

3. We have gone through the documents enclosed in the typed-set of papers including the impugned order. On reading of the said impugned order dated 13.09.2016, issued under Section 6, it is found that there is no whisper about the consideration of the petitioner's reply dated 15.07.2016. Hence, on that ground, we are inclined to set aside the impugned order dated 13.09.2016 and accordingly, set aside. The matter is remitted to the Tahsildar, Ramanathapuram District, the second respondent herein, for fresh consideration. The Tahsildar is directed to consider the petitioner's reply dated 15.07.2016 and thereafter, pass appropriate orders on merits and in accordance with law, by giving opportunity to the petitioner in person, within a period of four weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Tahsildar,
Ramanathapuram,
Ramanathapuram District.

+ 1 CC TO Mr.H.VELAVADHAS, ADVOCATE IN SR No. 61910
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 62324

SML

TE/SS-2 : 02/11/2016 : 2P/5C

Order made in
W.P. [MD] .No.20055 of 2016
and

W.M.P. (MD) Nos.14411 and 14412 of 2016
Dated: 19.10.2016