



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.11.2016**

CORAM:

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

W.P. [MD].No.21934 of 2016
and
W.M.P. (MD) Nos.15677 and 15678 of 2016

Pavalakodi : Petitioner

Vs.

- 1.The Block Development Officer,
(Village Panchayat),
Kadaiyam, Tirunelveli District.
- 2.The Tahsildar, Ambasamudram Taluk,
Ambasamudram,
Tirunelveli District.
- 3.The President,
Kadaiyam First Grade Village Panchayat,
Kadaiyam, Tirunelveli District.
- 4.The Revenue Inspector,
Kadaiyam, Ambasamudram Taluk,
Tirunelveli District.

5.T.Ravi : 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 impugned order passed by the fourth respondent dated 11.11.2016 and quash the same as illegal.

For Petitioner : Mr.R.J.Karthick

For Respondents 1to4 : Mr.S.Chandrasekar,
Government Advocate

**O R D E R***********

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner challenges the notice issued by the Revenue Inspector, Kadaiyam, Ambasamudram Taluk, under Section 7 of the Tamil Nadu Land Encroachment Act in respect of the land comprised in Survey No.570/25 at South Kadaiyam Village. Challenge is made mainly on the ground that though the Revenue Inspector has got power to issue a notice under Section 7, the impugned notice is not, in fact, a notice and it is an order for eviction.

2. In our considered view, as rightly contended by the learned counsel for the petitioner, the Revenue Inspector has got no power to order for eviction and he has got power only to issue notice. Therefore, we direct that the impugned notice shall be treated as a notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, for which, the petitioner shall submit her explanation, within a period of fifteen days from the date of receipt of a copy of this order and thereafter, the Revenue Inspector shall submit a report to the Tashildar concerned, who shall pass appropriate orders.

3. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

SML
To

- 1.The Block Development Officer, (Village Panchayat),
Kadaiyam, Tirunelveli District.
- 2.The Tahsildar, Ambasamudram Taluk,
Ambasamudram, Tirunelveli District.
- 3.The President, Kadaiyam First Grade Village Panchayat,
Kadaiyam, Tirunelveli District.
- 4.The Revenue Inspector, Kadaiyam,
Ambasamudram Taluk, Tirunelveli District.

+1CC to Mr.R.J.Karthick, Advocate Sr.No.69436
+1CC to Spl.Government Pleader Sr.no.69753

GJM/MPA/SAR-3-23.11.16-2p-7c

Order made in
W.P. [MD].No.21934 of 2016
Dated: **16.11.2016**