



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.01.2016
CORAM:
THE HONOURABLE Mr.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.550 of 2016
and
W.M.P. (MD) Nos.450 and 451 of 2016

Thangavelu ... Petitioner
Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Kadavoor Taluk,
Tharagampatti Post,
Kadavoor.

4.The Revenue Inspector,
Mylampatti Sub Division,
Mylampatti Post,
Tharagampatti Via,
Karur District.

5.The Village Administrative Officer,
Keelapaguthi Village,
Mylampatti Post,
Tharagampatti Via,
Karur District.

6.The Panchayat President,
Keelapaguthi Panchayat,
Tharagampatti Post,
Kadavoor Taluk.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 22.12.2015 of the 4th respondent and quash the same.

For Petitioner : Mr.A.Joel Paul Antony
For Respondents : Mr.M.Murugan, G.A. for R1 to 5
Mr.T.R.Janarthanam for R6

O R D E R

Mr.M.Murugan, learned Government Advocate, takes notice for the respondents 1 to 5 and Mr.T.R.Janarthanam, learned counsel takes notice for the 6th respondent.



2. Heard the learned counsel on either side and by consent of parties, the Writ petition itself is taken up for final disposal.

3. The petitioner is aggrieved against the proceedings dated 22.12.2015 issued by the 4th respondent, which is nothing but a notice issued under Section 7 of the Land Encroachment Act, calling upon the petitioner to give his explanation as to why he should not be evicted from the property under dispute by passing an order under Section 6 of the Act.

4. According to the petitioner, the 4th respondent is not having jurisdiction to issue such impugned notice as the 3rd respondent namely, Tahsildar alone is the competent authority.

5. On the other hand, the learned Government Advocate appearing for the revenue authorities submitted that there is a power of authorization issued to revenue subordinates for issuing such notices and therefore, jurisdiction cannot be questioned in respect of the impugned notice.

6. As the only grievance of the petitioner is that the Tahsildar is the competent authority and he has also happened to be the 3rd respondent herein, I direct the petitioner to give explanation to the 3rd respondent / Tahsildar to the impugned notice dated 22.12.2015 issued by the 4th respondent within a period of 4 weeks from the date of receipt of a copy of this order. On receipt of such objection, the 3rd respondent will consider the same and pass orders on merits and in accordance with law, after providing due opportunity to the petitioner, under Section 6 of the Land Encroachment Act. Such exercise shall be done by the 3rd respondent within a period of 8 weeks from the date of receipt of such objection from the petitioner.

7. With the above direction, the Writ petition is disposed of. No costs. Consequently, connected M.Ps. are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Karur District,
Karur.



2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Kadavoor Taluk,
Tharagampatti Post,
Kadavoor.

4.The Revenue Inspector,
Mylampatti Sub Division,
Mylampatti Post,
Tharagampatti Via,
Karur District.

5.The Village Administrative Officer,
Keelapaguthi Village,
Mylampatti Post,
Tharagampatti Via,
Karur District.

6.The Panchayat President,
Keelapaguthi Panchayat,
Tharagampatti Post,
Kadavoor Taluk.

+1cc to Mr.A.Joel Paul Antony, Advocate SR.No.583
+1cc to the special Government Pleader Sr.No.1807

sm:sks-rr:22.01.2016:3p/9c

W.P. (MD) No.550 of 2016
11.01.2016