



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20825 of 2015

and

M.P. (MD) Nos.1, 2 and 3 of 2015

Nallamuthu

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul.

3.The Tahsildar,
Oddanchathiram,
Palani, Dindigul.

4.The Revenue Inspector,
Oddanchathiram Firka,
Palani, Dindigul.

5.R.Karuppasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 4th respondent dated 2.11.2015 seeking to evict the petitioner in his patta land in S.No.167/6 measuring 0.40 acres in Athikombai Village, Oddanchathiram Taluk, Dindigul District, quash the same and consequently forbear the respondents 1 to 4 from in any way affecting the possession and enjoyment of the petitioner in his patta land in S.No167/6 admeasuring 0.40 acres in Athikombai Village, Oddanchathiram Taluk, Dindigul District.

For Petitioner

: Mr.M.Gangai Amaran,

M/s. Veera Associates

For Respondents 1 to 4

: Mr.T.S.Md.Mohideen

Additional Government Pleader

For 5th Respondent

: Mr.R.Janakiramulu

**ORDER**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The Writ petitioner challenges the proceedings of the fourth respondent dated 02.11.2015. The matter pertains to the proposed eviction of the writ petitioner from Survey No.167/6 measuring 0.40 acres in Athikombai Village, Oddanchathiram Taluk, Dindigul District.

2.Admittedly what has been issued is only a notice under section 7 of Tamil Nadu Land Encroachment Act, 1905. It merely calls upon the writ petitioner to offer his objections. Therefore, at this stage, the rights of the writ petitioner have not been infringed in any manner. The writ petitioner is entitled to place his explanation before the fourth respondent and only thereafter final order will be passed. Since the time set out in the impugned notice has since expired, we permit the writ petitioner to submit his explanation on or before 25.10.2017. Since the fifth respondent has raised certain contentions which have a bearing on the issue on hand, we direct the fourth respondent to hear the fifth respondent also before passing final orders. It is open to the fifth respondent herein to submit his representation to the fourth respondent in this regard.

3.With these observations and directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Dindigul District,Dindigul.
 - 2.The Revenue Divisional Officer,
Palani,Dindigul.
 - 3.The Tahsildar,
Oddanchathiram, Palani, Dindigul.
 - 4.The Revenue Inspector,
Oddanchathiram Firka,Palani, Dindigul.
- +1cc to Mr.R.JANAKIRAMULU,Advocate,SR.78698
+1cc to M/S.VEERA ASSOCIATES,Advocate,SR. 78456
+1cc to M/S.Special Government Pleader,SR.78785

W.P (MD) No.20825 of 2015
12.09.2017

VSG/MM