



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.[MD].No.11347 of 2017

and

W.M.P.[MD]No.8734 of 2017

K.Lakshmi : Petitioner

Vs.

1.The Tahsildar,
Ramanathapuram.

2.The District Collector,
Ramanathapuram.

3.The Revenue Divisional Officer,
Ramanathapuram.

4.The Executive Officer,
Mandapam Town Panchayat,
Mandapam,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari or any other Writ or Order to call for the records of impugned Order dated 14.06.2017 vide proceedings No.Na.Ka.P/6778/2016 issued by the 1st respondent and the Order passed by the 4th respondent in Proceedings No.Na.Ka.No.328/A1/2016 dated 14.06.2017 and Quash the same.

For Petitioner : Mr.J.Johnson.

For Respondents : Mr.V.Muruganantham,
Additional Government pleader.

O R D E R

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

Heard Mr.J.Johnson, the learned counsel for the petitioner and Mr.V.Muruganantham, learned Additional Government pleader for the respondents.

2. The petitioner is aggrieved by the notice issued by the 4th respondent under section 7 of the Land Encroachment Act as well as the notice issued by the first respondent under section 6 of the Land Encroachment Act. Under the provisions the the said Act the



Competent Authority to evict a person from the Government property on the ground of encroachment is the Tahsildar. Therefore the Tahsildar alone is entitled to proceed with the matter and the 4th respondent could not have issued the impugned notice to the petitioner. We find that the Tahsildar had issued a notice dated 06.06.2017 under Section 7 of the Act.

3. According to the petitioner, he has received the notice only on 09.06.2017, and on 14.06.2017, the impugned order has been passed by the first respondent and simultaneously another notice was issued by the 4th respondent under section 7 of Act, on 14.06.2017. Thus the notice issued by the 4th respondent is held to be without jurisdiction.

4. Considering the facts and circumstance of the case, there shall be a direction to the petitioner to submit his objection to the first respondent's notice dated 06.06.2017 within a period of seven days from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law within a period of seven days thereafter.

5. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Ramanathapuram.
2. The District Collector,
Ramanathapuram.
3. The Revenue Divisional Officer,
Ramanathapuram.
4. The Executive Officer,
Mandapam Town Panchayat,
Mandapam,
Ramanathapuram.

+1cc to Mr. J. JOHNSON, Advocate, SR. 60838

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 60993

W.P. [MD]. No. 11347 of 2017
and
M.P. [MD] No. 8734 of 2017
19.06.2017