



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12443 of 2017
and
W.M.P.(MD).No.9595 of 2017

A.Lakshmanan

.. Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Zonal Deputy Tahsildar,
Singampunari,
Sivagangai District.

3. The Revenue Inspector,
Singampunari Firka,
Singampunari,
Sivagangai District.

4.Rajangam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent in his proceedings dated 31.03.2017 and quash the same and consequently direct the respondents 1 and 2 to issue patta to Kalaiarangam.

For petitioner
For respondents

: Mr.K.Hemakarthiskeyan
: Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

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

The writ petitioner has filed the instant writ petition questioning the notice stated to have been issued under section 7 of the Tamil Nadu Land Encroachment Act, 1905, [for brevity, "the Act"] dated 31.03.2017. The only ground of challenge is that even though the impugned order is styled as a "notice" issued under Section 7 of

the Act, it is virtually an order made under Section 6 of the Act.

2. The authority is entitled to pass final orders, directing the alleged encroacher to remove himself from the subject premises, only after issuing due notice. In this case, the said procedure has not been complied with. On this ground alone, we are inclined to quash the impugned order.

3. Accordingly, the impugned order dated 31.03.2017 is set aside. It is made clear that this order would not preclude the authorities from initiating action in accordance with law. The writ petitioner has also sought for the relief to issue patta in respect of Kalaiarangam, which has been in the subject survey number. We are not inclined to grant the relief sought for.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Zonal Deputy Tahsildar,
Singampunari,
Sivagangai District.
3. The Revenue Inspector,
Singampunari Firka, Singampunari,
Sivagangai District.

+ 1 CC TO Mr.K.HEMA KARTHIKEYAN, ADVOCATE IN SR No. 63438
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 63707

NB/DSK

TE/MR-KKR/SAR-II : 13/07/2017 : 2P/6C

ORDER MADE IN
W.P. (MD) No.12443 of 2017 and
W.M.P. (MD) .No.9595 of 2017
05.07.2017