



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **18.07.2017**

CORAM:

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

W.P. (MD) No.13205 of 2017
and
W.M.P. (MD) .No.10273 of 2017

R.Govindan .. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk, Sivagangai District.

3.The Revenue Inspector,
Manamadurai, Manamadurai Taluk,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order dated 20.03.2017, on the file of the third respondent and quash the same.

For petitioner : Mr.V.S.Kishok Kumar
For respondents : 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 questioned the impugned notice dated 20.03.2017, issued by the third respondent.

2. Though the impugned notice has been styled as a notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, [for brevity, "the Act"], it virtually reads like an order issued under Section 6 of the Act. Therefore, on this sole ground alone, the impugned notice is liable to be set aside.

3. In the result, the impugned notice dated 20.03.2017, is set aside and the matter is remitted back to the file of the third respondent with liberty to proceed afresh, in accordance with law.



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

Sd/-

ASSISTANT REGISTRAR(CO)

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SUB ASSISTANT REGISTRAR

To:

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Manamadurai Taluk, Sivagangai District.
- 3.The Revenue Inspector,
Manamadurai, Manamadurai Taluk,
Sivagangai District.

+2 CC TO MR.V.S.KISHOK KUMAR, ADVOCATE, SR NO.66089

NB

MAS/JC/SAR4:26.07.2017:2P-6C

ORDER MADE IN
W.P. (MD) No.13205 of 2017
18.07.2017