



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2017**

CORAM:

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

W.P. (MD)No.14630 of 2017

and

W.M.P. (MD) .Nos.11468 & 11469 of 2017

Ramachandraboopathy

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Kamuthi Taluk,
Kamuthi,
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the proceedings dated 05.07.2017 on the file of the Tahsildar, Kamuthi, Ramanathapuram District, the second Respondent herein and quash the same.

For petitioner : Mr.Y.Prakash

For respondents : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

O R D E R

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

The writ petitioner challenges the notice dated 05.07.2017, issued by the second respondent herein, under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2.What is challenged in this writ petition is only a notice. The second respondent had only called upon the writ petitioner to submit his objections. Therefore, the writ petitioner can very well wait for an order to be passed under Section 6 of the said Act. It is quite possible that the second respondent might accept the explanation given by the writ petitioner and drop further proceedings. Therefore, there is no need to adjudicate anything on merits at present.



3. This Court directs the second respondent to consider the reply dated 19.07.2017, submitted by the writ petitioner in response to the impugned notice. Only after such consideration, appropriate order shall be passed by the second respondent.

4. The Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Kamuthi Taluk,
Kamuthi,
Ramanathapuram District.

+ 1 cc TO Mr.Y.Prakash , Advocate in SR No. 71221
+1cc to The Special Government Pleader in SR.No.71360

Km

AE/MR KKR/SAR2/05.10.2017/2P/5C

**ORDER MADE IN
W.P. (MD) No.14630 of 2017
and
W.M.P. (MD) .Nos.11468 & 11469 of 2017**

04.08.2017