



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 16.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL**  
**AND**  
**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P. (MD)No.21162 of 2017**  
**and**

**W.M.P (MD)No.17426 of 2017**

Vasudevan

: Petitioner

.vs.

1. The District Collector,  
Thanjavur District,  
Thanjavur.
2. The Tahsildar,  
Pattukkottai Taluk,  
Pattukkottai,  
Thanjavur District
3. The Revenue Inspector,  
Athiramapattinam,  
Pattukkottai Taluk,  
Thanjavur District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice, dated 2.11.2017, issued by the Third Respondent to the petitioner, as not valid and to quash the same as void and illegal and to direct the respondents not to evict the Petitioner from the lands covered in S.Nos.111/2, 111/3B, 111/5,111/13,111/14 and 111/15 situated within the following boundaries in the West of Road, in the north of canal, in the east of lake Bank and in the south Road going to Thottampalli and Kurukuvatti in Eripurakkari Revenue Village in Athiramapattinam Firka in Pattukkottai Taluk, Thanjavur District.

For Petitioner : M/s.F.X.Eugene  
For Respondents : Mr.T.R.Janarthanan  
Additional Govt.Pleader

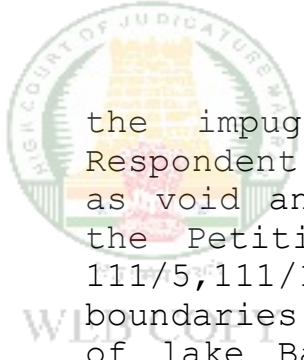
**O R D E R**

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[Order of the Court was made by **M.VENUGOPAL, J.**]

<https://hcservices.ecourts.gov.in/hcservices/>

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to



the impugned notice, dated 2.11.2017, issued by the Third Respondent to the petitioner, as not valid and to quash the same as void and illegal and to direct the respondents not to evict the Petitioner from the lands covered in S.Nos.111/2, 111/3B, 111/5,111/13,111/14 and 111/15 situated within the following boundaries in the West of Road, in the north of canal, in the east of lake Bank and in the south Road going to Thottampalli and Kurukuvatti in Eripurakkari Revenue Village in Athiramapattinam Firka in Pattukkottai Taluk, Thanjavur District.

2. Heard both sides. No counter is filed on behalf of the respondents.

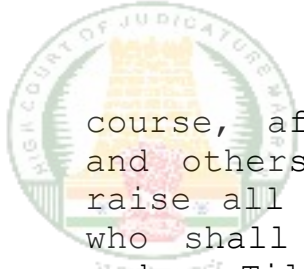
3. By consent, the main Writ Petition itself is taken up for final disposal.

4. It transpires that the Petitioner was issued with Section 7 notice under the Tamil Nadu Land Encroachment Act, 1905 in respect of S.No.111, Eripurakkari Revenue Village and the character of land is mentioned as Water source and the extent is mentioned as one acre. The Petitioner had encroached the same by putting up fence in the subject-property in issue.

5. A mere cursory perusal of the contents of the notice, dated 02.11.2017 issued under Section 7 of the Tamil Nadu Land Encroachment Act shows that already the encroachment made in the year 2013 was removed and again there is an encroachment and further that the Petitioner was directed to remove the encroachment before 16.11.2017.

6. It comes to be known that the petitioner has not given his reply/objection/remarks to the Section 7 notice, dated 2.11.2017 and has rushed to this Court seeking necessary protection.

7. In view of the fact that the encroachment in the subject land was already removed in the year 2013 and once-again the Petitioner has made encroachment in the property in question and had not given any suitable reply, this Court, by taking note of the fact that the Petitioner is to submit his representation for the notice, dated 02.11.2017, issued by the Revenue Inspector, Athiramapattinam, at this stage, without expressing any opinion and also not dwelling deep into the merits and demerits of the subject-matter in issue, simpliciter, directs the Petitioner to submit his explanation within a period of 10 days from the date of receipt of a copy of this order. Thereafter, the Second Respondent/The Tahsildar, Pattukkottai Taluk, Pattukkottai, Thanjavur District is directed to look into the representation of the Petitioner to be furnished, within the time adumbrated by the said order, to dispose of the same by assigning qualitative and quantitative reasons. The said orders to be passed by the Second Respondent within a period of three weeks thereafter, of



course, after providing necessary opportunity to the Petitioner and others concerned, if any. It is open to the Petitioner to raise all factual and legal pleas before the Second Respondent, who shall advert to the same and to pass a reasoned speaking order. Till final orders are passed by the Second Respondent, it is abundantly quite made clear that the possession of the Petitioner shall not be disturbed in any manner by the authorities concerned.

8. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,  
Thanjavur District,  
Thanjavur.
2. The Tahsildar,  
Pattukkottai Taluk,  
Pattukkottai,  
Thanjavur District
3. The Revenue Inspector,  
Athiramapattinam,  
Pattukkottai Taluk,  
Thanjavur District.

+1cc to M/s.F.X.Eugene, Advocate Sr.No.87732

+1cc to Spl.Government Pleader Sr.No.87944

VSN

VB/SKN/RSK/SAR4/29/11/2017/3P/6C

**ORDER MADE IN**  
**W.P. (MD) No.21162 of 2017**  
**and**  
**W.M.P (MD) No.17426 of 2017**  
**16.11.2017**