



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2017

CORAM:

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

W.P.(MD)No.21356 of 2017
and
W.M.P(MD)No.17642 of 2017

Thavasipaul : Petitioner
.vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus forbearing the Second Respondent from evicting the Petitioner from the land situated in S.No.94/1E, Chettikulam Village, Radhapuram Taluk, Tirunelveli District.

For Petitioner : M/s.K.Kulanthai Vickram
For Respondents : Mr.M.Govindan
Special Govt.Pleader

O R D E R

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

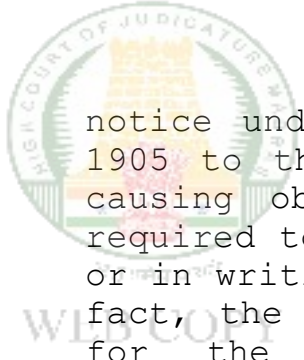
This Writ Petition has been filed seeking issuance of a Writ of Mandamus forbearing the Second Respondent from evicting the Petitioner from the land situated in S.No.94/1E, Chettikulam Village, Radhapuram Taluk, Tirunelveli District.

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.

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

4.It comes to be known that the Second Respondent/The Tahsildar, Radhapuram Taluk, Tirunelveli District had issued a



notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the Petitioner requiring him to remove the encroachment causing obstruction to the 'Odai' and in this regard, he was required to submit his explanation/representation either in person or in writing on or before 6.11.2017 etc,. Further, as a matter of fact, the Petitioner had submitted his explanation on 3.11.2017 for the notice issued by the Second Respondent, dated 1.11.2017. The said explanation is under consideration by the Second Respondent/The Tahsildar, Randhapuram Taluk, Tirunelveli District.

5. Considering the fact that the Petitioner's representation / explanation, dated 3.11.2017 is pending consideration on the file of the Second Respondent/The Tahsildar, Radhapuram Taluk, Tirunelveli District, this Court, without expressing any opinion on the merits and demerits of the representation/explanation of the Petitioner, dated 3.11.2017 and also not dwelling deep into the same, at this stage, simpliciter, directs the Second Respondent/The Tahsildar, Radhapuram Taluk, Tirunelveli District to look into the representation/explanation of the Petitioner, dated 3.11.2017 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Second Respondent shall pass necessary orders based on the representation/explanation, dated 3.11.2017 (for the notice dated 1.11.2017 issued by the Second Respondent) by providing adequate opportunity to the Petitioner and others concerned, if any, within a period of four weeks thereafter, of course by adhering to the Principles of Natural Justice. It is open to the Petitioner to raise all factual and legal pleas (including the production/filing of necessary documents) before the Second Respondent, who shall advert to the same, while passing final orders on the representation/explanation of the Petitioner, dated 3.11.2017 in qualitative and quantitative terms.

6. 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 (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.



2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+1cc to Special Government Pleader, SR.No. 88666

+1cc to M/S.K.Kulanthai Vickram, Advocate SR.No. 88461

ORDER MADE IN
W.P. (MD) No. 21356 of 2017
and
W.M.P (MD) No. 17642 of 2017
21.11.2017

VSN

JM/JC/SAR 4/28.11.2017/3P/5C