



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL**

**AND**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.22019 of 2017

and

W.M.P.(MD)Nos.18323 and 18324 of 2017

N.Ramasamy

: Petitioner

-Vs-

1.The District Collector,  
Dindigul,  
Dindigul District.

2.The Tahsildar,  
Vedasandur Taluk Office,  
Vedasandur,  
Dindigul District.

3.The Revenue Inspector,  
Kottanatham,  
Vedasandur Taluk,  
Dindigul District.

: Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the third Respondent dated 20.11.2017 and quash the same and consequently, direct the Respondents do not interfere with the Petitioner's possession and enjoyment of the house property in Survey No.920/41 sitauted at R.Vellodu Vilalge, Vedasanthur Taluk, Dindigul District.

For Petitioner  
For Respondents

: Mr.G.Gomathi Sankar  
: Mr.VR.Shanmuganathan,  
Special Government Pleader

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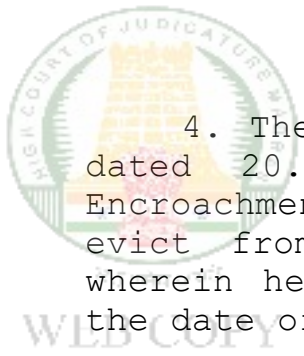
**O R D E R**

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

Heard both sides.

2. No counter is filed on behalf of the Respondents 1 to 3.

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



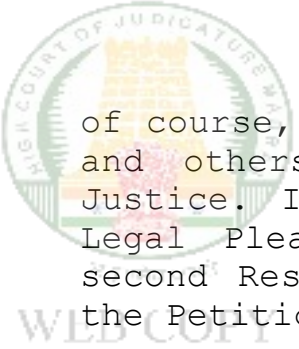
4. The Petitioner has been issued with the show cause notice dated 20.11.2017 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, by the third Respondent requiring him to evict from Survey No.920/25, measuring an extent of 0.00.10, wherein he is in enjoyment of RCC house, within seven days from the date of receipt of notice.

5. The grievance of the Petitioner is that this Court in W.P. (MD)No.15948 of 2017 filed by the present Writ Petitioner on 18.09.2017, had, among other things, observed that:- 'this Court directs the second Respondent (Tahsildar, Vedasandur Taluk Office, Vedasandur, Dindigul District) to conduct a survey of the Street in question. If encroachment is noticed, the same shall be removed by following the statutory procedure. Notice shall be issued to the interested parties and further, directed that the entire exercise shall be completed, within a period of three months from the date of receipt of a copy of this order' and unfortunately, the Revenue Authorities had not conducted a survey of the Street in question. Therefore, the Petitioner is said to be an 'Aggrieved' and 'Affected' Person.

6. Per contra, it is the submission of the Learned Special Government Pleader appearing for the Respondents that the Street in question was surveyed by the Revenue Authorities and Nine encroachers (including the present Writ Petitioner) were identified as encroachers. Therefore, Section 7 notice under the Tamil Nadu Land Encroachment Act, 1905, dated 20.11.2017 was issued by the third Respondent. In fact, the Petitioner is to furnish a reply to the said show cause notice dated 20.11.2017 issued by the third Respondent and without doing so, the Petitioner has rushed to this Court by filing the present Writ Petition and seeking necessary relief thereto.

7. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that the Petitioner had not submitted a reply to the show cause notice dated 20.11.2017 issued by the third Respondent and if a time limit is determined by this Court, the Petitioner is ready to submit his objection/representation before the second Respondent/Tahsildar, Vedasandur Taluk Office, Vedasandur, Dindigul District.

8. As such, this Court directs the Petitioner to submit his representation/remarks/objections for the show cause notice dated 20.11.2017 issued by the third Respondent, within a period of ten days from the date of receipt of copy of this order. Soon after receipt of the representation/objection of the Petitioner, the second Respondent/Tahsildar, Vedasandur Taluk Office, Vedasandur, Dindigul District, shall look into the contents of the representation/objection of the Petitioner and if he finds any substance in it, then, he is to dispose of the same on merits by passing a reasoned speaking order, within a period of four weeks thereafter,



of course, after providing necessary opportunity to the Petitioner and others concerned, by following the Principles of Natural Justice. It is open to the Petitioner to raise all Factual and Legal Pleas (including the aspect of jurisdiction) before the second Respondent, who shall advert to every point projected by the Petitioner in his representation and answer the same.

9. With the aforesaid observation(s)/direction(s), the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Collector,  
Dindigul,  
Dindigul District.

2.The Tahsildar,  
Vedasandur Taluk Office,  
Vedasandur,  
Dindigul District.

3.The Revenue Inspector,  
Kottanatham,  
Vedasandur Taluk,  
Dindigul District.

+1cc to Mr.G.GOMATHISANKAR,Advocate,SR. 90429

+1cc to M/S.Special Government Pleader,SR. 90875

W.P. (MD)No.22019 of 2017  
30.11.2017

SML

KK/MR KKR/SAR 1/15.12.2017/ 3P- 6C/