



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

CORAM:

THE HONOURABLE **MR.HULUVADI G.RAMESH,**
ACTING CHIEF JUSTICE

AND

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

W.P. (MD) .No.4245 of 2017

and

W.M.P (MD) No.3387 of 2017

K.Natarajan

: Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

3.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records from the third respondent and quash the notice dated 28.02.2017 issued under Section 6 of the Madras Land Encroachment Act, 1905, consequently to stop all further proceedings to evict the petitioner from the property comprised in Survey No.336/14 situated in Umbalapadi Village, Papanasam Taluk, Thanjavur District.

For Petitioner

: Mr.V.Chandrasekar

For Respondents

: Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by
The Hon'ble The Acting Chief Justice]

Heard the learned counsel for the petitioner and
<https://hcservices.ecourts.gov.in/hcservices/> Mr.M.Govindan, learned Special Government Pleader appearing for
the respondents.



2. Challenge in this Writ Petition is to the notice dated 28.02.2017 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and for a consequential direction to the respondents to stop all further proceedings to evict petitioner from the property comprised in Survey No.336/14 situated in Umbalapadi Village, Papanasam Taluk, Thanjavur District.

3. The only grievance of the petitioner is that without issuing notice as required under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, [for brevity, "the Act"] straightaway, a notice under Section 6 of the Act has been issued by the third respondent, in respect of the property in Survey No.336/14 situated in Umbalapadi Village, Papanasam Taluk, Thanjavur District.

4. Having regard to the rival contentions, we do not propose to go into the merits of the matter. Suffice it to direct the petitioner to treat the impugned notice dated 28.02.2017 as a notice issued under Section 7 of the Act and to direct the third respondent to consider the matter afresh.

5. Accordingly, the petitioner is directed to treat the impugned notice dated 28.02.2017 as a notice issued under Section 7 of the Act and submit his explanation to the third respondent, along with all relevant documents, within a period of 15 days from the date of receipt of a copy of this Order by enclosing a copy of this Order and on receipt of such explanation, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of explanation, after affording sufficient opportunity to the petitioner. Till such time, no coercive steps shall be taken against the petitioner.

6. The Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

NB

To

1.The District Collector,
Thanjavur District.

<https://hccourtreggovernmentservices.gov.in/>
2.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.



3.The Tahsildar, Papanasam Taluk,
Thanjavur District.

+1CC to Mr.V.Chandrasekar, Advocate Sr.No.14464

+1CC to Spl.Government Pleader Sr.No.15064

GJM/CM/MSA/SAR-I/20.3.17-3p-6c

ORDER MADE IN
W.P. (MD) .No.4245 of 2017
and
W.M.P (MD) No.3387 of 2017
14.03.2017