



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.7506 of 2017
and
W.M.P. (MD) No.5869 of 2017**

J.Subramanian

... Petitioner

Vs.

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Special Tahsildar,
Aadhi Dravidar Welfare Department,
Nanguneri,
Tirunelveli District.
3. The Revenue Inspector,
Ervadi,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned notice dated 12.04.2017 passed by the second respondent and quash the same as illegal.

For Petitioner : Mr.N.Sankar Ganesh

For Respondents : Mr.M.Govindan, Spl.G.P.

O R D E R

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

The third respondent, the Revenue Inspector, Ervadi issued notice under Section 7 of Tamil Nadu Land Encroachment Act, 1905 on 08th February, 2017 calling upon the writ petitioner to show cause as to why he should not be evicted from the subject premises.

2. In response thereto, the writ petitioner submitted his explanation and the same was also received by the third respondent



on 13th February 2017. But, without any consideration of the explanation submitted by the writ petitioner, the third respondent has passed the impugned order under Section 6 of the Act on 12th April 2017.

WEB COPY 3. We set aside the impugned order on the sole ground of non consideration of the explanation submitted by the writ petitioner. The matter is remitted to the file of the third respondent. The writ petitioner is given liberty to submit his further representation and documents, if any, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the third respondent shall consider the same and pass final orders in accordance with law and on merits. The *statusquo* as on date shall be maintained till passing of final order.

4. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli,
Tirunelveli District.
2. The Special Tahsildar,
Aadhi Dravidar Welfare Department,
Nanguneri,
Tirunelveli District.
3. The Revenue Inspector,
Ervadi,
Tirunelveli District.

+1 cc to Mr.N.Sankar Ganesh , Advocate in SR.No. 63757

Arul

AE/MR KKR/SAR3/11.07.2017/2P/5C

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