



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.04.2017

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.P.(MD)No.8164 of 2017
and
W.M.P.(MD)No.6290 of 2017

Arulmigu Mela Kingilinatha Swami Temple
Rep.by its Administrative Trustee Mr.Desigan,
S/o.Sundarampillai,
Chinthamani Road,
Anupanadi, Madurai District.

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Inspector,
Avaniyapuram,
Madurai South Taluk, Madurai.

3.The Tahsildar,
South Taluk,
Madurai District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, calling for the records relating to the impugned show cause notice issued under Section 7 of Tamil Nadu Land Encroachment Act, 1905 dated 07.02.2017 issued by the 2nd respondent.

For Petitioner : Mr.C.Jawahar Revindran
For Respondents : Mr.S.Chandrasekar, G.A.

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

The petitioner has challenged the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2.The contention of the petitioner is that he is not an encroacher, but owner of the land in question and UDR patta has also been granted in his favour and the revenue officials have taken action against the petitioner at the behest of his neighbour, who has lodged a false complaint.



3. In any event, the impugned proceedings is only a notice, calling upon the petitioner to show cause as to why he should not be evicted from the land in question. Further more, it is submitted that the land in question is a water body. The petitioner on receipt of the said notice, has sent a reply on 13.02.2017 through speed post. Therefore, the proper procedure that should be adopted is to consider the reply dated 13.02.2017 and pass an order and thereafter, proceed in accordance with law. Therefore, the question of quashing the impugned notice does not arise.

4. Accordingly, while rejecting the prayer to quash the impugned notice, we direct the 3rd respondent to consider the reply dated 13.02.2017 sent by the petitioner through speed post on 17.02.2017 and pass orders on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner, within a period of one week from the date of receipt of the copy of this order. Till then, the status quo, which is prevailing as on today (27.04.2017), shall be maintained.

5. The Writ petition is disposed of accordingly. No costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.

2. The Revenue Inspector,
Avaniyapuram,
Madurai South Taluk, Madurai.

3. The Tahsildar,
South Taluk,
Madurai District.

+1cc to Mr. c. Jawahar Ravindran, Advocate, SR.54866

+1cc to Mr. Special Government Pleader, SR.55155

W.P. (MD) No.8164 of 2017
27.04.2017

NBJ