



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE **M.V.MURALIDARAN**

and

THE HON'BLE Mr.JUSTICE **C.V.KARTHIKEYAN**

W.P (MD) No.9989 of 2017

and

W.M.P (MD) Nos.7646 and 7647 of 2017

1.Pazhaniappan

2.Andichamy,

S/o.Pazhaniappan,

3.Andichamy,

S/o.Kumaran,

4.Muthusamy

5.Nagasamy

... Petitioners

Vs.

1. The Tahsildar,
Vedachandur Taluk,
Dindigul District.

2. The Executive Officer,
Ayyalur Town Panchayat,
Dindigul District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.62/2017 dated 02.02.2017 and quash the same and consequently forbear the respondents from initiating any eviction proceedings without following due process of law.

For Petitioners : Mr.J.Anandkumar
For Respondents : Mr.Raja Karthikeyan,
Additional Government Pleader

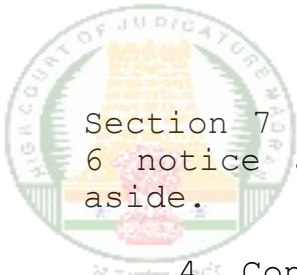
O R D E R

(Order of the court was made by **M.V.MURALIDARAN, J.**)

Mr. Rajakarthykeyan, learned Additional Government Pleader takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner averred in the affidavit among other things that without issuing Section 7 of the Land Encroachment Act, the respondents are not entitled to issue Section 6 of the said Act for eviction and admittedly, in the present case, no notice under



Section 7 of the Act was issued before issuing the impugned Section 6 notice and therefore, the impugned order is liable to be set aside.

4. Considering the above fact, the impugned order passed by the second respondent dated 02.02.2017 is liable to be set aside and the same is set aside. The matter is remanded back to the authorities concerned and the said authorities are directed to give personal opportunity to the petitioners as well as the necessary parties and pass orders on merits and in accordance with law and the said exercise shall be done by the respondents within a period of eight weeks from the date of receipt of copy of this order.

5. In the result, the writ petition is allowed. No costs. Consequently, connected W.M.P.(MD)Nos.7646 and 7647 of 2017 are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Vedachandur Taluk,
Dindigul District.
2. The Executive Officer,
Ayyalur Town Panchayat,
Dindigul District.

+1cc to Special Government Pleader, SR.No. 57712
+1cc to M/S.J.Anandkumar, Advocate SR.No. 57209

W.P (MD)No.9989 of 2017
and
W.M.P (MD)No.7646 and 7647 of 2017
25.05.2017

cm
JM/SV/SAR 4/31.05.2017/2P/5C