



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**

AND

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.[MD].No.14853 of 2013

and

M.P.(MD)No.1 of 2013

Marudu Pandi

: Petitioner

Vs.

1.The District Collector,
Office of the District Collector, Madurai.

2.The Special Tahsildar,
Adi Dravida Welfare Unit II,
Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice issued by the second respondent in Na.Ka.No.71/2011 Aa dated 22.08.2013 and quash the same and consequently direct the second respondent not to dispossess the petitioner herein without due process of law.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The failure on the part of the second respondent to issue notice before passing the order of eviction is the ground on which the petitioner filed this Writ Petition.

2. The order passed by the second respondent does not contain any indication that prior notice was issued to the petitioner before passing orders under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. We are, therefore, of the view that the impugned order deserves to be set aside.

3. In the result, the impugned order dated 22 August, 2013, is set aside. The matter is remitted to the second respondent for fresh consideration. The second respondent is permitted to issue notice to the petitioner in accordance with the Tamil Nadu Land Encroachment Act and thereafter, decide the matter on merits and as per law.



4. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

WEB COPY/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The District Collector,
Office of the District Collector, Madurai.

2.The Special Tahsildar,
Adi Dravida Welfare Unit II,
Madurai.

+1cc to Special Government Pleader, SR.No. 64442

SML/MYR

MAS/MR-KKR/SAR1:17.07.2017:2P-4C

Order made in
W.P.[MD].No.14853 of 2013

Dated:
06.07.2017