

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 06.07.2017

CORAM:

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

W.P. [MD].No.17076 of 2013**and****M.P. (MD)No.1 of 2013**

Palayee

: Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Thanthonimalai, Karur.
2. The Tahsildar,
Office of the Tahsildar,
Karur.
3. The Revenue Inspector,
Thoranaikkalpatti,
Taluk Office, Karur.
4. The Village Administrative Officer,
Aachimangalam Village,
Kodangipatti,
Karur Taluk, Karur District.

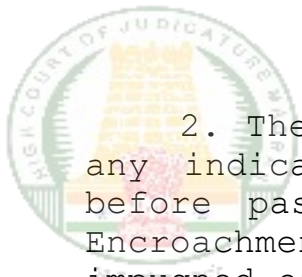
: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings dated 11.10.2013 in Na.Ka.A1/12112/2013 on the file of the second respondent and quash the same.

For Petitioner : Mr.M.P.Senthil.

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 to the petitioner before passing the order of eviction is the ground on which he 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.

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3. In the result, the impugned order dated 11 October, 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(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collector,
Thanthonimalai, Karur.
2. The Tahsildar,
Office of the Tahsildar,
Karur.
3. The Revenue Inspector,
Thoranaikkalpatti,
Taluk Office, Karur.
4. The Village Administrative Officer,
Aachimangalam Village,
Kodangipatti,
Karur Taluk, Karur District.

+1cc to M/S. M.P.SENTHIL, Advocate, SR.No.64094.
+1cc to Special Government Pleader, SR.No.64450.

Order made in
W.P.[MD].No.17076 of 2013
06.07.2017