



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 01.02.2018

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD)No.2116 of 2018

and

W.M.P(MD)No.2369 of 2018

Subramanian

.. Petitioner

Vs.

1.State rep. by

The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.State rep. by

The Tahsildar,
Taluk Office,
Ramanathapuram.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings No.ந.க.பி.9/11801/2017 dated 29.01.2018 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 issue by the second respondent and quash the same as illegal and consequently forbearing the second respondent from disposing the petitioner from S.No.298/10 to an extent of 15 feet cents situated in Pattanamkathan village, Pattanamkathan Group, Ramanathapuram Taluk.

For Petitioner : Mr.R.Senthilkumar
Senior Counsel for
Mr.V.Muthumani

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader

ORDER

[Order of the Court was delivered by N.KIRUBAKARAN,J]

The petitioner is in occupation of a piece of land, which according to the petitioner, is classified as Natham Porampoke. Whereas, a notice has been issued to the petitioner, as if the petitioner has encroached upon the Government Land. Without giving notice, final order has been passed in violation of the principles of natural justice, the learned senior counsel appearing for the petitioner would submit.



3.A perusal of the impugned order would show that it is not a final order and it is only a notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Act 3 of 1905).

4. Notice is required to be given under Section 7(1) of the Act before passing the eviction order. Therefore, it is appropriate to treat the present impugned notice as notice issued under Section 7 (1) of the Act and the petitioner is directed to give reply to the impugned notice within two weeks from the date of receipt of a copy of this order. On receipt of the reply, the respondents are directed to conduct enquiry giving opportunity to the petitioner and pass final orders within a period of eight weeks thereafter. Till the final order is passed and it is served upon the petitioner, the petitioner's possession should not be disturbed.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Taluk Office,
Ramanathapuram.

+1cc to M/S.R.Senthilkumar, Advocate SR.No. 45630

+1cc to Special Government Pleader, SR.No. 45986

W.P. (MD) No. 2116 of 2018
and
W.M.P (MD) No. 2369 of 2018
01.02.2018

skn

JM/SV MMS/SAR 1/08.02.2018/2P/5C