



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**  
**and**  
**THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P.(MD) No.6607 to 6611 of 2018

and

W.M.P.(MD) No.6398 to 6402 of 2018

|                      |                                      |
|----------------------|--------------------------------------|
| Meenakshi            | ... Petitioner in WP(MD)No.6607/2018 |
| B.Murugesan          | ... Petitioner in WP(MD)No.6608/2018 |
| Punithavathi         | ... Petitioner in WP(MD)No.6609/2018 |
| S.Balasubramanian    | ... Petitioner in WP(MD)No.6610/2018 |
| B.Latha @ Premalatha | ... Petitioner in WP(MD)No.6611/2018 |

**-vs-**

The Tahsildar  
Karur Taluk,  
Karur District.

... Respondent in all cases

**COMMON PRAYER:** Petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the impugned notice in Na.Ka.A4/690/2018 dated 20.02.2018 under Section 7 of Tamil Nadu Land Encroachment Act, 1905 affixed by the respondent herein on 23.03.2018 in Petitioners' premises and consequential order of eviction in Na.Ka.A4/690/2018 dated 12.03.2018 under Section 6 of Tamil Nadu Land Encroachment Act, 1905 affixed by the respondent on 23.03.2018 in petitioners' premises and quash the same as illegal and further direct the respondent herein not to interfere with my right and enjoyment of the property and lands comprised in Survey No.155/1, admeasuring to an extent of 0.03.0 Ares, 0.02.0 Ares, 0.03.0 Ares, 0.20.0 hectare and 0.20.0 hectare and 0.01.0 hectare respectively situated at Kodangipatti, Aachimangalam Village, Karur Taluk, Karur District without following due process of law.

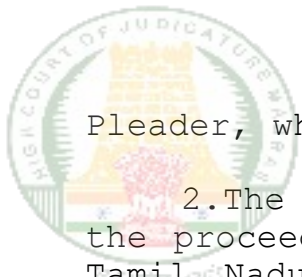
|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.V.Meenakshi Sundaram                         |
| For Respondent | : Mr.V.R.Shanmuganathan, Spl.G.P.<br>(in all WPs) |

**COMMON ORDER**

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

<https://hcservices.ecourts.gov.in/hcservices/>

Heard Mr.V.Meenakshisundaram, learned counsel for the petitioners and Mr.V.R.Shanmuganathan, learned Special Government



Pleader, who accepts notice on behalf of the respondent.

2.The petitioners have filed these writ petitions challenging the proceedings initiated against them under the provisions of the Tamil Nadu Land Encroachment Act, 1905. The petitioners would contend that the respondent, who issued the impugned notice as well as the impugned order has done so on the same day without opportunity to the petitioner.

3.As rightly pointed by the learned Special Government Pleader, the petitioners had sufficient notice of the proceedings, since they had approached this Court earlier in the year 2013 by filing W.P. (MD) No.17076 of 2013, challenging the order passed under Section 6 of the Act dated 11.10.2013. The writ petition was allowed by the Division Bench by order dated 06.07.2017, directing the second respondent, the Tahsildar, Karur to issue fresh notice. Pursuant to the direction, fresh notice has been issued. Now, the petitioners would state that both the notices as well as the orders under Section 6 of the Act were pasted on the petitioners' property on the very same day. Therefore, it is in violation of the procedures contemplated under the Act and the rules framed therein.

4.In our considered view, the question of pasting the notices and the orders in the premises of the petitioner would arise only if the petitioners had refused to receive the notices/orders. However, without going further into the controversy, we deem it appropriate to direct the petitioner to treat the impugned proceedings as show cause notice and submit their objection, within a time frame, so that the authority can pass appropriate orders on merits and in accordance with law.

5.Accordingly, we dispose of the writ petition, by directing the writ petitioners to treat the impugned notices/orders as show cause notice and submit their objections to the respondent on or before 13.04.2018. On receipt of the objections, the respondent shall conduct an enquiry and after affording an opportunity of personal bearing to the petitioner, pass a speaking orders on merits and in accordance with law, within a period of two weeks from the date on which, personal hearing is concluded. Till then, status quo, which is prevailing in respect of the properties in question, shall be maintained. The petitioners are restrained from altering the physical features of the properties nor creating any encumbrance or charge over the properties in question.

6.These writ petitions are disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)



To

The Tahsildar  
Karur Taluk,  
Karur District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59036  
+ 4 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 50242

ARUL

TE/SKN-RSK/SAR-3 : 12/04/2018 : 3P/7C

W.P.(MD) No.6607 to 6611 of 2018 and  
W.M.P.(MD) No.6398 to 6402 of 2018  
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