



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2018
CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD) No.8547 of 2018
and
W.M.P.(MD) Nos.8050 and 8051 of 2018

S.Sethuraman ... Petitioner
Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar (Revenue),
Kariyapatti,
Virudhunagar District.

3.The Special Officer / Block Development Officer
(Village Panchayat),
Kariyapatti,
Virudhunagar District.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 30.03.2017 issued by the second respondent and consequential order passed by the third respondent dated 13.02.2018 and quash the same.

For Petitioner : Mr.Sadiq Raja

For Respondents : Mr.V.Anand
1 and 2 Government Advocate

For Respondent 3 : Mr.M.Rajarajan
Government Advocate

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed challenging the impugned order dated 30.03.2017 issued by the second respondent and the consequential order passed by the third respondent dated 13.02.2018 which was issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 without issuing notice under Section 7 of the Act.



2. Heard Mr. Sadiq Raja, learned Counsel appearing for the petitioner, Mr. V. Adnand, learned Government Advocate appearing for the respondents 1 and 2 and Mr. M. Rajarajan, learned Government Advocate appearing for the third respondent.

3. Mr. M. Rajarajan, learned Government Advocate, appearing for the third respondent fairly submitted that the impugned notice ought to have been issued after issuing the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Therefore, he sought for liberty to issue notice under Section 7 of the Act first calling upon the petitioner to submit his explanation and thereafter issue notice to the petitioner under Section 6 of the Act.

4. Considering the submission made by the learned Government Advocate appearing for the third respondent, this Writ Petition is disposed of granting liberty to the third respondent to first issue notice under Section 7 of the Act within a period of two weeks from the date of receipt of a copy of this order and thereafter issue notice to the petitioner under Section 6 of the Act. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar (Revenue),
Kariyapatti,
Virudhunagar District.

3. The Special Officer / Block Development Officer
(Village Panchayat),
Kariyapatti,
Virudhunagar District.

+1CC to Mr. Sadiq Raja, Advocate, SR.No.83528

+1CC to the Special Government Pleader SR.No. 83351

W.P. (MD) No.8547 of 2018

07.09.2018

SRM

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ES/PM/SAR 3/03.10.2018/2P/6C