



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.[MD].No.10763 of 2018

and

W.M.P.[MD].Nos.9863 and 9864 of 2018

S.Muppudathi : Petitioner

Vs.

1.The District Collector
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Kadayanallur Taluk
Kadayanallur
Tirunelveli District

: 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 of the 2nd respondent's notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 26.04.2018 and quash the same and consequently forbear the respondents from evicting the petitioner from her property in S.No.412/1 Urmelalagiyan Village, Kadayanallur Taluk, Tirunelveli District without following the due process of law in view of the decree in O.S.No.32 of 2010.

For Petitioner
For Respondents

: Mr.M.Mohammed Sherbudeen
: Mr.D.Muruganantham
Additional Government Pleader

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J]

The petitioner questions the impugned order dated 26.04.2018 passed by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'). Such an order could not have been passed without issuing a prior show cause notice under Section 7 of the Act. In that view of the matter, the order impugned in the writ petition stands quashed. It is, however, open to the second respondent to cause issuance of notice under Section 7 of the Act and after following the statutory procedure, issue an order under Section 6 of the Act. With this liberty to the second respondent to proceed afresh in accordance



with law, the order impugned in this writ petition is quashed. Accordingly, the writ petition is allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

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Sd/-
Vacation Officer

Sub Assistant Registrar

To

- 1.The District Collector
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Kadayanallur Taluk
Kadayanallur
Tirunelveli District.

+1cc to M/S.M.Mohammed Sherbudeen, Advocate SR.No. 65189
+1cc to Special Government Pleader, SR.No. 65328

ORDER MADE IN
W.P.[MD].No.10763 of 2018
AND WMP No. 9863 and 9864 of 2018
09.05.2018

rr
JM/KKR/SAR 3/16.05.2018/2P/5C