



WEB COPY

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].Nos. 10838 to 10843 & 10845 of 2018

and

W.M.P.(MD)Nos. 9971 to 9976 & 9978 of 2018

BALASARASWATHI	Petitioner in WP(MD)No.10838/2018
SUGUMAR	Petitioner in WP(MD)No.10839/2018
AMUTHA DEVI	Petitioner in WP(MD)No.10840/2018
MUTHU VIJAYAN	Petitioner in WP(MD)No.10841/2018
JEYARAJ	Petitioner in WP(MD)No.10842/2018
SELVATHIRUPATHI	Petitioner in WP(MD)No.10843/2018
LOGANATHAN	Petitioner in WP(MD)No.10845/2018

-Vs.-

1. The District Collector,
Thoothukudi District.

2. The Tahsildar,
Kovilpatti,
Thoothukudi District.

.....Respondents in all WPs

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order dated 26.04.2018 issued by the 2nd respondent in Na.Ka.No.Aa6/10177/2015 and quash the same.

For Petitioner
in all WPs

: Mr.Veerakathiravan,
Senior Counsel for
M/s.Veera Associates,

For Respondents
in all WPs

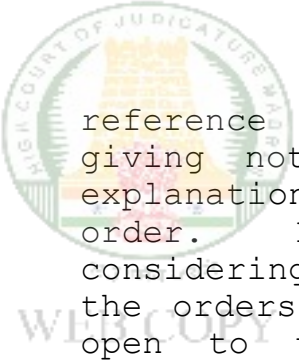
: Mr.Muruganantham
Additional Government Pleader

COMMON ORDER

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

In all these writ petitions, the second respondent/Tahsildar had passed an order under Section 6 of the of Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'). Before passing order under Section 6 of the Act, notice under Section 7 of the Act should have been issued.

2. In this case, it is seen that such a notice was issued on 19.03.2018. The writ petitioners have given their reply in response thereto. But, then, in the impugned order, there is absolutely no



reference to the writ petitioners' explanation. The purpose of giving notice and opportunity to the affected party to offer explanation is to take the same into account, when passing final order. In this case, final order has been passed without considering the writ petitioners' explanation. On this sole ground, the orders impugned in these writ petitions stand quashed. It is open to the second respondent to pass orders afresh, after specifically dealing with the contentions taken by the writ petitioners in their explanations. With this liberty to the authorities to pass orders afresh in accordance with law, all these writ petitions stand allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District.
2. The Tahsildar,
Kovilpatti,
Thoothukudi District.

+7cc to M/s.Veera Associates, Advocate, SR.No.65239
+1cc to Special Government Pleader, SR.No.65326

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KSA/RR
VE/SKN/RSK/SAR 4/07.06.2018/2P/11C