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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.05.2018
CORAM:
THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE Mrs.JUSTICE T.KRISHNAVALLI

W.P.(MD)No.11469 of 2018
and
W.M.P.(MD)No.10452 of 2018

D.Kausalya ...Petitioner

-Vs-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul East Taluk Office,
Dindigul, Dindigul District.

3.The Commissioner,
Saanarpatti Panchayat Union,
Dindigul District. ...Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to initiate any coercive action against the petitioner without following the due process of law for evicting the petitioner from the land in Survey No.188, situates in Kanvaipatti Village, Dindigul East Taluk, Dindigul District and consequently direct the respondents that not to disturb the peaceful possession and enjoyment of the petitioner over the above mentioned land, except due process of law based on the petitioner's explanation dated 11.05.2018.

For Petitioner : Mr.M.S.Jeyakarthik
For R1 and R2 : Mr.VR.Shanmuganathan,
Special Government Pleader.
For R3 : Mr.M.Karuppasamy,
Government Advocate.

ORDER

(Order of the Court was made by M.V.MURALIDARAN, J.)

The petitioner seeks for a Writ of Mandamus, directing the respondents not to initiate any coercive action against the petitioner, without following due process of law for evicting the petitioner from the land in Survey No.188, situates in Kanvaipatti

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Village, Dindigul East Taluk, Dindigul District and consequently, directing the respondents that not to disturb the peaceful possession and enjoyment of the petitioner over the above mentioned land, except due process of law based on the petitioner's explanation dated 11.05.2018.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader, who takes notice on behalf of the respondents 1 and 2 and Mr.M.Karuppasamy, learned Government Advocate, who takes notice on behalf of the third respondent. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner submitted that though the petitioner was issued with the notice under Section 7 of the Land Acquisition Act, by the respondents on 15.04.2018, the said notice was served to the petitioner only on 03.05.2018. Therefore, he has given his reply to the said notice on 11.05.2018 and the same is pending for consideration by the respondent authority. Hence, the petitioner has approached this Court with the present writ petition for the above said prayer.

4.Once the authority concerned has issued notice under Section 7 of the Act, it is the bounden duty of the respondent authority to pass orders on the reply given by the petitioner for the said notice on merits and in accordance with law. Therefore, the respondents are directed to consider the petitioner's reply dated 11.05.2018 for the notice issued by the respondent authority under Section 7 of the Act and to pass orders, within a period of two months from the date of receipt of a copy of this order. Till such time, the respondents are directed not to take any coercive action agaisnt the petitioner.

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

Sd/
Assistant Registrar(AD-II)/
Vacation Officer

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul East Taluk Office,
Dindigul, Dindigul District.

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3.The Commissioner,
Saanarpatti Panchayat Union,
Dindigul District.

+1cc to Mr.M.S.JEYAKARTHIK, Advocate, SR.No. 66468

W.P.(MD)No.11469 of 2018
30.05.2018

MYR/TA
KK/SKN RSK/SAR-2/11.06.2018/3P-5C

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