



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.21657 of 2018
and
W.M.P. (MD) No.19560 of 2018

T.Chellammal @ Kamuthai : Petitioner
Vs.

1.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

2.The Revenue Inspector,
Palakanoothu Village,
Dindigul West Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for records in pursuant to the impugned order passed by the second respondent dated Nil and quash the same.

For Petitioner : Mr.V.MuthuKamatchi

For Respondents : Mr.Aayiram K Selvakumar,
Additional Government Pleader.

O R D E R

[Order of the Court was made by **S.S.SUNDAR, J.**]

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This Writ petition has been filed for issuing a Writ of Certiorari to quash the impugned notice issued by the second respondent under Section 5 of the Tamil Nadu Land Encroachment Act, 1905.

3.It is stated that the impugned notice has been issued asking the petitioner to appear on 15th April 2018 and that the notice itself was served on the petitioner in May 2018. It is further stated that the respondents have now taken coercive steps to remove the encroachment.



4.This Court find no justification for the delay in filing the writ petition after the show cause notice was issued in May 2018. Further taking into consideration the facts and circumstances of the case, this Court is inclined to pass the following order:-

The petitioner is directed to submit his explanation to the show cause notice impugned in the writ petition within a period of two weeks from the date of receipt of a copy of this order. Upon receiving the explanation, it is open to the first respondent/ Tahsildar to pass appropriate orders on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner. Till such him an order is passed, respondents are directed to maintain status-quo as on today.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

- 1.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 2.The Revenue Inspector,
Palakanoothu Village,
Dindigul West Taluk,
Dindigul District.

+1 CC To MR.V.MUTHUKAMATCHI, Advocate SR. NO. 90912
+1 CC TO The Special Government Pleader SR.NO. 90930

ORDER MADE IN
W.P(MD)No.21657 of 2018
and W.M.P. (MD) No.19560 of 2018
16.10.2018

CP/SJ

TR/RP/SAR-IV(20.11.2018)2P 5C