



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.24378 of 2018
and
WMP (MD) No.22066 of 2018

Kannan

.. Petitioner

Vs.

1. The District Collector,
Trichy.
2. The Revenue Divisional Officer,
Srirengam,
Trichy District.
3. The Tahsildar,
Srirengam,
Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of S.F.No.298 0.01.0 ares of Sethurapathy Village, Srirengam Taluk, Trichy District.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondents	: Mr.V.R.Shanmuganathan Special Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner has come up with the allegation that without passing orders under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the competent authority resorted to action for demolition of the superstructure.

2. According to the petitioner, earlier, a writ petition was filed by him in WP(MD)No.5135 of 2018, challenging the proceedings initiated for eviction by the Revenue Inspector, Manikandam Part,



Srirangam. While allowing the writ petition, the Division Bench granted liberty to the statutory authority to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and pass further orders on merits under Section 6 of the Act.

3. It is the grievance of the petitioner that without considering the reply given by him to the notice issued under Section 7, the second respondent attempted to dispossess him and the same made him to file this writ petition.

4. The learned counsel for the petitioner submitted that the petitioner has already given reply to the show-cause notice issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. However, orders are yet to be passed.

5. We grant liberty to the petitioner to submit an additional response on or before 19 December, 2018. The third respondent is directed to consider the reply and pass appropriate orders on merits. *Status quo* as on today shall be maintained till orders are passed by the third respondent.

6. The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.22066 of 2018 is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The District Collector,
Trichy.
2. The Revenue Divisional Officer,
Srirengam,
Trichy District.
3. The Tahsildar,
Srirengam,
Trichy District.

+ 1 CC TO Mr.GANAPATHI SUBRAMANIAN, ADVOCATE IN SR No. 100052
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 99938

MJ

TE/PM/SAR-4 : 26/12/2018 : 2P/6C

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