



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P (MD) No.14779 of 2018
and W.M.P. (MD) No.13333 of 2018

K.P.Selvam

... Petitioner

vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Tahsildar,
Thiruvadanai
Ramanathapuram District.
3. The Revenue Inspector,
R.S.Mangalam, Thiruvadanai Taluk
Ramanathapuram District.

... Respondents

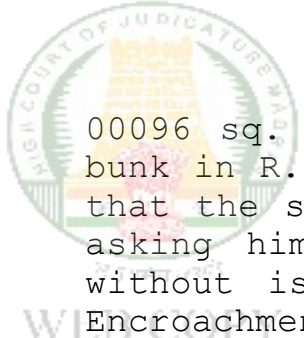
Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the 2nd respondent under section 6 of the Land Encroachment Act, 1905 dated 20.06.2018, quash the same and for a consequential direction to the respondents to measure the petitioner's land in S.No.175/5 to an extent of 0.07.5 ares situated at Rajasingamangalam Group, Ramanathapuram District as per the petitioner's application dated 18.07.2007.

For Petitioner	: Mr.V.Perumal
For Respondents	: Mr.C.Ramar
	Additional Government Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition is directed against the impugned order dated 20.06.2018, indicating that the petitioner has encroached into the land covered in S.No.189/16 lane (re;J) to an extent of



00096 sq. mtr in addition to 000052 sq. mtr by putting a petrol bunk in R.S.Mangalam Taluk, Ramanathapuram District, on the ground that the second respondent has issued the impugned order directly asking him to remove the encroachment and hand over the same, without issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act').

2. Had there been a notice under Section 7 of the Act, to the petitioner to show cause as to why proceeding under Section 6 of the Act should not be initiated, the petitioner could have given explanation. However, without asking any explanation whatsoever, the impugned order has been served on the petitioner asking him to evict the property in question. Since it is a flagrant violation of principles of natural justice, the petitioner has come to this Court with this writ petition.

3. In support of the prayer, the petitioner has also produced the registered sale deed bearing Document No.1031/1987 to impress upon us that the petitioner has purchased the land covered in 175/5 having an extent of 0.07.5 ares. It is at this stage, we must inform the petitioner that the impugned notice has not been issued to the petitioner to vacate the alleged encroachment by him in S.No.175/5, as the impugned notice has been issued in respect of S.No.189/16. Since the petitioner has been found encroaching 00096 sq. mtr., he is no way connected to S.No.189/96 and hence, no claim whatsoever has been produced before us.

4. If the petitioner is able to show before this Court that he is in any way owner of some part of the land covered in S.No.189/16, we could accept his case that notice is required. But, the petitioner is no way connected with the land in S.No.189/16, which has been encroached by him. Therefore, the impugned order is perfectly in order and the writ petition fails and the same is accordingly dismissed. However, if the petitioner filed any application to measure his land covered in S.No.175/5, it shall be looked into. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.



2. The Tahsildar,
Thiruvadanai
Ramanathapuram District.

3. The Revenue Inspector,
R.S.Mangalam, Thiruvadanai Taluk
Ramanathapuram District.

+ 1 CC TO Mr.V.PERUMAL, ADVOCATE IN SR No. 83840

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83720

RR

TE/SKN/SAR-2 : 01/10/2018 : 3P/6C

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