



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE Mrs.JUSTICE S.RAMATHILAGAM

W.P. (MD) .Nos.23412 to 23416 of 2017
and
W.M.P. (MD) .Nos.19684 to 19688 of 2017

1.R.Loganathan	...	Petitioner in W.P. (MD) .No.23412/17
2.L.Murugesan	...	Petitioner in W.P. (MD) .No.23413/17
3.M.Balraj	...	Petitioner in W.P. (MD) .No.23414/17
4.R.Rajalingam	...	Petitioner in W.P. (MD) .No.23415/17
5.R.Selvam @ Selvaraj	...	Petitioner in W.P. (MD) .No.23416/17

Vs .

1. The District Collector,
Pudukottai District,
Pudukottai.

2. The Tahsildar,
Viralimalai Taluk,
Pudukottai District.

... Respondents in all W.Ps.

COMMON PRAYER: These petitions are preferred under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned Eviction Notice dated 12.10.2017 in respect of S.No.202/11, S.No.202/16, S.No.202/17, S.No.202/13 and S.No.202/12 respectively issued by the 2nd respondent and quash the same.

For Petitioner	
all W.Ps	: Mr.D.Sasikumar
For Respondents	
all W.Ps	: Mr.V.R.Shanmuganathan Special Government Pleader

COMMON ORDER

By consent, all the writ petitions are taken up for final disposal, at the stage of admission itself.

2. Heard Mr.D.Sasikumar, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice for the respondents.



3. According to the petitioners, the petitioners have constructed dwelling houses in the Government Poramboke lands, which are in possession and enjoyment of their fathers and their forefathers and they are regularly paying house tax and they got electricity connection also. Such being the position, the second respondent issued an order of eviction under Section 6 of the Tamil Nadu Land Encroachment Act. Challenging the said eviction order, the petitioners are before this Court.

4. Notice under Section 7 of the Tamil Nadu Encroachment Act (hereinafter referred to as the Act) would proceed before passing an order under Section 6 of the Act. After the issuance of the notice under Section 7 of the Act and after giving an opportunity to the petitioners, finally, eviction order could be passed under Section 6 of the Act. Without giving such an opportunity to the petitioners, notice under Section 6 of the Act was issued. Therefore, notice issued under Section 6 of the Act is directed to be treated as notice given under Section 7 of the Act and the petitioners shall give their replies to the above said notice within a period of 12 weeks from the date of receipt of this order. On receipt of the said replies, the respondents are directed to give an opportunity to the petitioners and pass appropriate orders on merits and as per law, within a period of 8 weeks thereafter.

5. Accordingly, the Writ Petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Puthukottai District,
Puthukottai.

2. The Tahsildar,
Viralimalai Taluk,
Puthukottai District.

+ 1 CC TO Mr.D.SASIKUMAR, ADVOCATE IN SR No. 40635
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 40810

NS

TE/SKN-RSK/SAR-1 : 23/01/2018 : 2P/5C