



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P (MD) NO.12758 OF 2019

and

W.M.P (MD) No.9493 of 2019

S.Subramanian

:Petitioner

.vs.

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
R.S.Mangalam Taluk,
Ramanathapuram District.
- 5.The Block Development Officer(Panchayat),
R.S.Mangalam,
R.S.Mangalam Taluk,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the fourth and fifth respondents namely the Tahsildar, R.S.Mangalam and the Block Development Officer (Panchayat), R.S.Mangalam relating to the notice issued under Section 7 of the Land Encroachment Act, 1905 in Memo No.A3/179/2018, dated 11.01.2019 and R.C.No.A2/2742/2018, dated 6.5.2019 and to quash the same and consequently to direct the third respondent/the District Collector, Ramanathapuram to take appropriate action for regularizing the encroachment made in S.No.341/4 as per G.O(Perm)No.496 Revenue and Disaster Management Department, dated 24.12.2018 within a specified time frame fixed



by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.N.Shanmugaselvam
1 to 4 Additional Govt.Pleader
For Respondent-5 : Mr.J.Gunaseelan Muthiah
Addl. Govt.Pleader

O R D E R

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

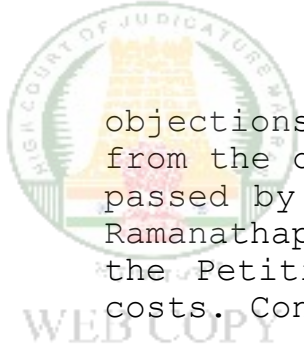
This Writ Petition is filed challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, dated 11.01.2019.

2.Heard Mr.S.Visvalingam, learned counsel appearing for the Petitioner and Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the fifth respondent.

3.The Petitioner has chosen to file the present Writ Petition challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, by contending that such notice issued to the Petitioner is against the Government Orders issued in respect of the land in occupation of persons like the Petitioner. According to the Petitioner, he is entitled to get patta in respect of the subject-matter land, for which, proceedings are pending. We are not inclined to go into the merits of the contentions raised by the Petitioner in this Writ Petition, as what is under challenge is only a notice issued to the Petitioner under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, calling upon him to show-cause as to why he should not be vacated from the subject-matter property under the Tamil Nadu Land Encroachment Act, 1905. Needless to state that the Petitioner can very well raise all the contentions, as has been raised in the present Writ Petition, before the authorities concerned by way of reply to the notice impugned in this Writ Petition.

4.It is stated that already a reply is given by the Petitioner on 03.11.2018 and 23.01.2019. If reply is given by the Petitioner on the above-said dates and the same is received by the concerned authorities, it is for them to consider the same and pass appropriate orders on merits and in accordance with law, as this Court is not expressing any view on the merits of the contentions raised in this Writ Petition.

5.Accordingly, this Writ Petition is disposed of only by directing the fourth respondent to pass appropriate orders on the



objections raised by the Petitioner, within a period of eight weeks from the date of receipt of a copy of this order. Till an order is passed by the fourth respondent/the Tahsildar, R.S.Mangalam Taluk, Ramanathapuram District, no coercive steps shall be taken against the Petitioner to evict him from the subject-matter property. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

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Revenue Department,
Secretariat,
Chennai - 600 009.
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Ramanathapuram District.
- 4.The Tahsildar,
R.S.Mangalam Taluk,
Ramanathapuram District.
- 5.The Block Development Officer (Panchayat),
R.S.Mangalam,
R.S.Mangalam Taluk,
Ramanathapuram District.

+1CC TO MR.S.VISVALINGAM, Advocate Sr. No.66771
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.67084

ORDER MADE IN
W.P (MD) NO.12758 OF 2019
and
W.M.P (MD) No.9493 of 2019
04.06.2019