



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

WEB COPY

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

W.P (MD) NO.14867 OF 2019

Marimuthu

:Petitioner

.vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilaiyangudi Taluk,
Sivagangai District.

3.The Revenue Inspector,
Salaigramam Firka,
Ilaiyangudi Taluk,
Sivagangai District.

4.Balaguru,
The Tahsildar,
Ilaiyangudi Taluk,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent not to take any action in respect of S.Nos.470/2,471/1, except in accordance with law.

For Petitioner : Mr.S.T.Kumar

For Respondents : Mr.VR.Shanmuganathan
1 to 3 Spl. Govt.Pleader

O R D E R

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

This Writ Petition is filed for a mandamus directing the respondents not to take any action in respect of S.Nos.470/2,471/1, of Salaigramam village, Ilayangudi Taluk, Sivagangai District.



2. Heard the learned counsel appearing for the Petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

3. The grievance of the Petitioner before this Court is that the second respondent/The Tahsildar, who has been impleaded also in his personal capacity as fourth respondent, is threatening the Petitioner to vacate the subject-matter property immediately without even considering the objections raised by the Petitioner as against the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. There is no dispute to the fact that the notice under Section 7 of the 1905 Act was issued on 4.3.2019 and that the Petitioner has also given his reply to the said notice. Needless to state that when such reply is given, it is for the second respondent to consider the said reply and after giving due opportunity of hearing to the Petitioner, has to pass further orders under Section 6 of the above 'Act' by giving reasons. Without doing so, the second respondent cannot insist the Petitioner to vacate the subject-matter property, as alleged in the Writ Petition.

4. Since We propose to dispose of the main Writ Petition itself, We are not inclined to go into the allegations made against the fourth respondent, as We make it clear that the second respondent/fourth respondent has to consider the objections filed by the Petitioner and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the Petitioner.

5. Thus this Writ Petition is disposed of, with the above direction also by indicating that the second respondent shall pass such order within a period of four weeks. Till such order is passed by the second respondent as stated supra, status-quo, as on today, shall be maintained by both the parties. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

1. The District Collector,
Sivagangai District,
Sivagangai.



2.The Tahsildar,
Ilaiyangudi Taluk,
Sivagangai District.

3.The Revenue Inspector,
Salaigramam Firka,
Ilaiyangudi Taluk,
Sivagangai District.

+1CC TO MR.T.KUMAR, Advocate Sr. No.73152

ORDER MADE IN
W.P (MD) NO.14867 OF 2019
03.07.2019

DB (CO)
TR (12.07.2019) 3P 5C