



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.14868 OF 2019
and
W.M.P (MD) No.11373 of 2019**

Arumugam :Petitioner

.vs.

The Regional Deputy Tahsildar,
Thirupathur Taluk,
Sivagangi District. : Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order of eviction made by the respondent, dated 27.6.2019 and quash the same as illegal.

For Petitioner :Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates

For Respondent :Mr.N.Shanmugaselvam
Addl. Govt.Pleader

O R D E R

[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY.,J.**]

The Petitioner has filed this Writ Petition challenging the order of eviction of the respondent, dated 27.6.2019.

2.Heard the learned counsel appearing for the Petitioner and the learned Additional Government Pleader appearing for the respondent.

3.The learned counsel for the Petitioner submits that the subject-matter property is a ''Natham land'' and that the Petitioner is not an encroacher and has obtained patta in respect of the said land.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Government Pleader appearing for the



respondent, in response, submitted that it is an encroachment and that the impugned notice may be treated as a show-cause notice.

5. On a perusal of the impugned notice, We find that although it is titled as a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, it is not in the form required for Section 7 notice, as it straight-away calls upon the Petitioner to remove the encroachment within 15 days from the date of receipt of the said notice.

6. Accordingly, without expressing any opinion on the merits of the dispute and the rival contentions of the parties, this Writ Petition is disposed of, by directing the parties to treat the impugned notice as a show-cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Therefore the Petitioner is directed to submit his objections/explanations to the said notice within a period of two weeks from the date of receipt of a copy of this order. On receipt thereof, the respondent is directed to consider the said objections/explanations and pass a speaking order on merits and in accordance with law, within a period of four weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

The Regional Deputy Tahsildar,
Thirupathur Taluk,
Sivagangi District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-73283[F] dated
04/07/2019)

VSN

ORDER MADE IN
W.P (MD) NO.14868 OF 2019
and
W.M.P (MD) No.11373 of 2019
03.07.2019

KM/ (11.07.2019) 2P 3C