



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

WEB COPY

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

W.P (MD) NO.8644 OF 2018

and

W.M.P (MD) Nos.8109 and 8110 of 2018

Subramanian

:Petitioner

.vs.

1.The State, represented by
The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The State represented by
The Revenue Divisional Office,
O/o.The Revenue Divisional Office,
Ramanathapuram.

3.The State, represented by
The Tahsildar,
Taluk Office, Ramanathapuram.

4.The State, represented by
The Block Development Officer,
O/o.The Block Development Office,
Mandapam,
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 relating to the proceeding in Na.Ka.P9/11801/2017, dated 28.3.2018 issued by the third respondent and to quash the same as illegal and consequently to forbear the third respondent from disposing the Petitioner from S.No.298/10 to an extent of 15 ft cents situated in Pattanamkathan Village, Pattanamkathan Group, Ramanathapuram Taluk.

For Petitioner

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

:Mr.V.Muthumani

for M/s.R.Senthilkumar



For Respondents
1 to 3

:Mr.N.Shanmugaselvam
Additional Govt.Pleader

For Respondent-4

:Mr.S.Angappan
Govt.Advocate

WEB COPY

O R D E R

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

This Writ Petition is filed to quash the impugned order, dated 28.03.2018 issued by the third respondent in respect of the alleged encroachment in S.No.298/10, measuring an extent of 15 ft situated in Pattanamkathan Village, Pattanamkathan Group, Ramanathapuram Taluk.

2.Heard the learned counsel appearing for the petitioner and learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Government Advocate appearing for the fourth respondent.

3.The Petitioner herein had already filed W.P(MD)No.24034 of 2017, wherein, by order, dated 1.2.2018, this Court directed the respondents to treat the notice already issued by them as a notice under Section 7(1) of the Tamil Nadu Land Encroachment Act, 1905 and further directed the Petitioner to submit a representation/reply within a period of two weeks on receipt of a copy of this order.

4.The learned counsel for the Petitioner points out that a representation/reply, dated 19.2.2018 was submitted thereafter by the Petitioner. However, he submits that the impugned order, dated 28.3.2018 was issued without referring to the representation of the Petitioner and without providing any reason as to why the objections of the Petitioner were not valid.

5.On a perusal of the impugned order, dated 28.3.2018, it is evident that the said order is not a speaking order and does not contain any finding as to why it is an encroachment. Instead, the Petitioner has straight-away directed the Petitioner to remove the encroachment, on receipt of the impugned notice.

6.Consequently, without expressing any opinion on the merits of the dispute, We set aside the order passed by the third respondent on 28.03.2018 and remit the matter back to the third respondent/The Tahsildar, Taluk Office, Ramanathapuram for consideration of the representation/reply already submitted by the Petitioner afresh. Upon such consideration, the third respondent is directed to pass a speaking order on merits and in accordance with law, after providing adequate opportunity of hearing to the Petitioner and others concerned within a period of eight weeks from the date of receipt of a copy of this order.



7.The Writ petition is disposed of, on the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

WEB COPY

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Office,
O/o.The Revenue Divisional Office,
Ramanathapuram.
- 3.The Tahsildar,
Taluk Office,
Ramanathapuram.
- 4.The Block Development Officer,
O/o.The Block Development Office,
Mandapam,
Ramanathapuram District.

+1 CC to Mr.R.SENTHIL KUMAR, Advocate SR-68150.

ORDER MADE IN
W.P(MD)NO.8644 OF 2018
and

W.M.P(MD)Nos.8109 and 8110 of 2019
12.06.2019

CS: (26/06/2019) 3P 6C