



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.12375 of 2018

and

W.M.P.(MD)No11255 of 2018

P.Karnan

: Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Special Officer/
Block Development Officer
(Village Panchayat,
U.Ammapatti Village,
Uthamapalayam Panchayat Union,
Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating to the impugned notice Na.Ka.No.3481/2017/B3, dated 10.04.2018 issued by the 3rd respondent and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriya Narayanan
For R-1 & R-2 : Mr.M.Karuppasamy

Government Advocate
For R-3 : No Appearance

O R D E R

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

This writ petition is filed challenging the impugned notice, dated 10.04.2018 issued by the third respondent, whereby the petitioner has been directed to remove the encroachment within 15 days from the date of receipt of the notice.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.



3.The learned counsel for the petitioner submits that the impugned notice was issued without a prior show cause notice and therefore it is contrary to the provision of the Tamil Nadu Land Encroachment Act, 1905.

4.In response, the learned Government Advocate appearing for the respondents 1 and 2 submits that the respondents are willing to follow the procedure prescribed under the Tamil Nadu Land Encroachment Act, 1905.

5.In view of the above stated facts and circumstances, without expressing any view on the merits of the claim made by both the parties, this writ petition is disposed of by directing the second respondent to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act. On receipt thereof, the petitioner shall give his objection/explanation to the said notice within a period of two weeks from the date of receipt of the notice. Upon receipt of such objection/explanation, the second respondent shall consider the same and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of objection/explanation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Special Officer/
Block Development Officer
(Village Panchayat),
U.Ammapatti Village,
Uthamapalayam Panchayat Union,
Theni District.

+1 CC to Mr.R.SURIYANARAYANAN, Advocate SR-70471.

+1 CC to SPL GP SR-70999.

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