



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2019

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

Writ Petition(MD)No.17941 of 2019
and
W.M.P(MD)No.14409 of 2019

Thayammal

.. petitioner

Vs.

1.The Tahsildar,
Sattur,
Virudhunagar District.

2.The Revenue Inspector,
Nenmeni Sub-Division,
Sattur Taluk,
Virudhunagar District.

..Respondents

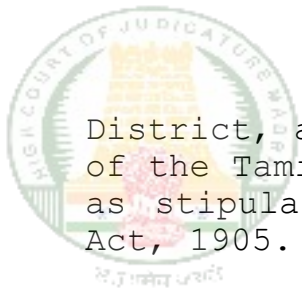
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner from her land in survey No.154/1B, 154/3A of Sinthuvampatti Village, Sattur, Virudhunagar District, as per the notice issued to the petitioner under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 without passing orders as stipulated under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.N.Shanmugaselvam
Addl. Govt. Pleader

O R D E R

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

The writ petition is filed seeking for a Mandamus forbearing the respondents from evicting the petitioner from her land in survey No.154/1B, 154/3A of Sinthuvampatti Village, Sattur, Virudhunagar



District, as per the notice issued to the petitioner under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 without passing orders as stipulated under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2.Mr.N.Shanmugaselvam, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner claims to be the owner of the subject matter land. Her grievance is that the respondents are trying to interfere with such land by claiming that the petitioner has made encroachment in the said land. It is further stated that a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued on the petitioner on 03.08.2019 and immediately, the petitioner has sent a representation/objection on 07.08.2019. Therefore, it is contended that without considering the said objection, the respondents are not entitled to interfere with the possession of the petitioner.

4.The learned Additional Government Pleader appearing for the respondents based on instructions submitted that no such objection, dated 07.08.2019, was received by the respondents so far. However, he submitted that if any objection is filed, the same will be considered and appropriate orders will be passed on merits and in accordance with law, under Section 6 of the Tamil Nadu Land Encroachment Act.

5.Considering the above-stated facts and circumstances and without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of with the following directions:-

(a) the petitioner shall give the objection to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, within a period of two weeks from the date of receipt of a copy of this order.

(b) on receipt of such objection, the first respondent shall pass a speaking order under Section 6 of the Tamil Nadu Land Encroachment Act on merits and in accordance with law, after giving due opportunity of hearing to the petitioner.

(c) such exercise shall be done by the first respondent within a period of four weeks from the date of receipt of the objection from the petitioner.

(d)till an order is passed by the first respondent, the status quo as on today shall be maintained by both parties.



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W.P.(MD)No.17941 of 2019

No costs.
closed.

Consequently, connected miscellaneous petition is

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Tahsildar,
Sattur,
Virudhunagar District.

2.The Revenue Inspector,
Nenmeni Sub-Division,
Sattur Taluk,
Virudhunagar District.

+1 CC to Mr.F.DEEPAK, Advocate SR-82328.

+1 CC to SPL GP SR-82587.

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and

W.M.P(MD)No.14409 of 2019

19.08.2019

CS(09.09.2019) 3P 5C