



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2019

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WEB COPY

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

Writ Petition(MD)No.17932 of 2019

and

W.M.P(MD)No.14382 of 2019

M.Anthony

.. petitioner

Vs.

1.The Tahilsdhar,
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 his land in survey No.152/2B, 154/1A2, 154/1A7, 154/1A9, 154/1A10, 154/1A11, 155/1A, 155/1B 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 petitioner seeks for a Mandamus forbearing the respondents from evicting him from his land in survey Nos.152/2B, 154/1A2, 154/1A7, 154/1A9, 154/1A10, 154/1A11, 155/1A, 155/1B of Sinthuvampatti Village, Sattur, Virudhunagar District, as per the



notice issued to him under Section 7 of the Tamil Nadu 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 respondent. By consent, the main writ petition itself is taken up for final disposal at the admission stage.

3. Heard both sides.

4. The petitioner claims to be the owner of the subject matter land. According to him, the respondents are trying to interfere with his possession and enjoyment of the said land without following the due procedure of law. It is stated by the petitioner that though a notice under Section 7 of the Tamil Nadu Encroachment Act was issued and the petitioner has also given a reply to the said notice, without passing any order under Section 6 of the said Act, the respondents are trying to dispossess the petitioner.

5. The learned Additional Government Pleader appearing for the respondents fairly submitted that the reply submitted by the petitioner will be considered and appropriate orders on merits and in accordance with law under Section 6 of the said Act will be passed within the time stipulated by this Court. He also submitted that pending passing of such order under Section 6, the respondents will not interfere with the possession of the petitioner. The said statement is recorded.

6. Accordingly, the writ petition is disposed of, by directing the first respondent to consider the representation/objection filed by the petitioner in pursuance of the notice issued under Section 7 of the Tamil Nadu Encroachment Act, 1905, and pass appropriate speaking orders on merits and in accordance with law, under Section 6 of the Tamil Nadu Encroachment Act, 1905, within a period of four weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent as stated supra, the status quo as on today shall be maintained by both parties. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar



To

1.The Tahilsdhar,
Sattur,
Virudhunagar District.

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

+1 CC to M/s.F.DEEPAK, Advocate (SR-81854[F] dated 16/08/2019)

+1 CC to M/s.SPL GP (SR-82584[F] dated 20/08/2019)

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and

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