



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18227 of 2019

and

W.M.P. (MD)Nos.14666, 14667 and 14669 of 2019

Singaperumal

... Petitioner

- Vs. -

1.The District Collector,
District Collectorate,
Collectorate Complex,
Dindigul,
Dindigul District.

2.The District Revenue Officer,
O/o.The District Revenue Officer,
Collectorate Complex, Dindigul,
Dindigul District.

3.The Revenue Divisinal Officer,
O/o.The Revenue Divisional Officer,
Palani Taluk and Division, Dindigul District.

4.The Thasildhar, Taluk Office,
Palani Taluk, Dindigul District.

5.The Revenue Inspector,
O/o.The Revenue Inspector, Palani Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice dated 5.8.2019 on the file of the respondent No.5, and quash the same in so far as petitioner is concerned as illegal and consequently forbear the respondent Nos.3 to 5 from evicting the petitioner from the Agricultural lands in Survey No.855/1 Ayyampulli Village, Palani Taluk, Dindigul District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Karuppasamy
Government Advocate

O R D E R

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

This writ petition is filed challenging the notice, dated 05.08.2019 issued by the fifth respondent under Section 7 of the Land Encroachment Act, 1905.



2. Heard both sides.

3. The main objection raised by the petitioner against the impugned notice is on the jurisdiction of the fifth respondent in issuing such notice under Section 7 of the Land Encroachment Act, 1905. It is contended that only the Tahsildar is a competent person to issue such notice and not the Revenue Inspector. Though other contentions are raised on merits of the claim made by the petitioner, we are not inclined to go into those contentions and express any view, since we are convinced to remit the matter back to the fourth respondent for considering the matter and to pass appropriate orders after getting explanation/objection from the petitioner. Accordingly, this writ petition is disposed of with the following directions:-

(a). The notice issued by the fifth respondent, which is impugned in this writ petition, shall be treated as a notice issued by the fourth respondent;

(b). The petitioner shall give explanation / objection to the said notice, to the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order;

(c). On receipt of such objection / explanation, the fourth respondent shall pass appropriate speaking order on merits and in accordance with law, within a period of four weeks thereafter; and

(d). It is made clear that this Court is not expressing any view on the merits of the claim made by the respective parties, as it is for the fourth respondent to consider and decide, after considering the explanation / objection submitted by the petitioner.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
District Collectorate,
Collectorate Complex,
Dindigul,
Dindigul District.

2. The District Revenue Officer,
O/o. The District Revenue Officer,
Collectorate Complex, Dindigul,
Dindigul District.



3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Palani Taluk and Division, Dindigul District.

4.The Thasildhar, Taluk Office,
Palani Taluk, Dindigul District.

5.The Revenue Inspector,
O/o.The Revenue Inspector, Palani Taluk,
Dindigul District.

+1 CC to SPL GP (SR-83982[F] dated 28/08/2019)

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