



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.18287 OF 2019

and

W.M.P(MD)No.14731 of 2019

R.Mookan

:Petitioner

.vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Manachanallur Taluk,
Trichy District.

3.The Revenue Inspector,
Manachanallur Taluk,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records in pursuant to the impugned Eviction Notice issued by the third respondent in his proceedings A1 Notice dated 18.8.2019 and to quash the same as illegal.

For Petitioner

:Mr.S.M.Mohan Gandhi

For Respondents

:Mr.VR.Shanmuganathan
Special Govt.Pleader

O R D E R

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

This Writ Petition is filed to quash the Eviction Notice issued by the third respondent on 18.08.2019.

2.We heard the learned counsel for the Petitioner and the learned Special Government Pleader, who takes notice on behalf of the respondents.

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



3.The case of the Petitioner is that he constructed a house in S.No.108 and that based on a false complaint given by two other persons, the third respondent has issued the impugned eviction notice to him on 18.8.2019, without a prior show-cause notice. Challenging the said eviction notice, the present Writ Petition has been filed.

4.The learned counsel for the Petitioner referred to the impugned eviction notice and pointed out that the said notice has been issued by the Revenue Inspector without being preceded by a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. He has also submitted that the Revenue Inspector has no jurisdiction to issue the said notice.

5.In response, the learned Special Government Pleader would submit that the Revenue Inspector has the jurisdiction to issue such notice, however, on consideration of the reply/explanation submitted by the Petitioner, the Tahsildar will pass orders as to whether there is an encroachment made or not.

6.Accordingly, without expressing any opinion on the merits of the dispute, the present Writ Petition is disposed of, by issuing the following directions:

(a)the impugned eviction notice, dated 18.8.2019 shall be treated as a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, by the parties;

(b)within two weeks from the date of receipt of a copy of this order, the Petitioner shall submit the objection/explanation to the said notice to the Revenue Inspector as well as to the Tahsildar concerned;

(c)on receipt of such explanation/objections, the Tahsildar concerned shall consider the same on merits and in accordance with law and pass a speaking order within a period of four weeks thereafter.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Manachanallur Taluk,
Trichy District.

3.The Revenue Inspector,
Manachanallur Taluk,
Trichy District.

+1 CC to Mr.S M. MOHAN GANDHI, Advocate SR-83361.
+1 CC to SPL GP SR-83560.

ORDER MADE IN
W.P (MD) NO.18287 OF 2019
and
W.M.P (MD) No.14731 of 2019
26.08.2019

CS (30.08.2019) 3P 6C