



WP(MD)Nos.18739,18742,18743,18745,18746,18748,18751,18757,18762,18763,18766 and 18767 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

**W.P(MD)Nos.18739,18742,18743,18745,18746,18748,18751,18757,
18762,18763,18766 and 18767 OF 2019**

and

**W.M.P (MD) Nos.15090,15091,15092,15094,15095,15097,15099,15101,
15102,15103,15104 and 15107 of 2019**

A.Jemila Banu	:Petitioner	in W.P (MD)No.18739 of 2019
M.Kulandhaiyammal	:Petitioner	in W.P (MD)No.18742 of 2019
R.Ramesh	:Petitioner	in W.P (MD)No.18743 of 2019
S.Valarmathi	:Petitioner	in W.P (MD)No.18745 of 2019
P.Manimala	:Petitioner	in W.P (MD)No.18746 of 2019
S.Subhalakshmi	:Petitioner	in W.P (MD)No.18748 of 2019
V.Saroja	:Petitioner	in W.P (MD)No.18751 of 2019
V.Santhakumari	:Petitioner	in W.P (MD)No.18757 of 2019
V.Saraswathi	:Petitioner	in W.P (MD)No.18762 of 2019
G.Saroja	:Petitioner	in W.P (MD)No.18763 of 2019
M.Gandhi	:Petitioner	in W.P (MD)No.18766 of 2019
K.Manjula	:Petitioner	in W.P (MD)No.18767 of 2019

.vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Anandhagiri, 4th Street,
Kodaikanal,
Dindigul District - 624 101.

3.The Tahsildar,
Kodaikanal Taluk,
Anna Salai,
Kodaikanal,
Dindigul District - 624 101.

4.The Revenue Inspector,
Kodaikanal Firka,
Anna Salai,
Kodaikanal.

: Respondents in WPs.

COMMON PRAYER Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to quash the notice dated 14.08.2019 purporting to be one issued under Section 7 of the Land Encroachment Act, 1905 by the fourth respondent and further to direct the respondents to consider the case of the Petitioner for grant of house site pattas.

For Petitioner
in all W.Ps'

:Mr.M.V.Venkataseshan

For Respondents
in all W.Ps'

:Mr.VR.Shanmuganathan
Special Govt.Pleader

COMMON ORDER

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

In all these Writ Petitions, the Writ Petitioners are aggrieved against the proceedings issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, dated 14.08.2019.

2.The impugned proceedings was issued by the fourth respondent/Revenue Inspector, Kodaikanal Firka, Anna Salai, Kodaikanal.

3.Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the respondents and by consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself, since the issue involved in all these cases can be considered and decided without filing counter.

4.Treating the Writ Petitioners as encroachers in respect of the property referred to in each impugned notice, the fourth respondent issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, wherein and whereby, the Writ Petitioners were called upon to vacate and hand-over the vacant possession of the respective properties, within a period of 15 days.

5.The grievance of the Petitioners before this Court is that the very impugned proceedings itself is in the nature of an order of eviction, without giving an opportunity of hearing to the Petitioners. Therefore, it is contended that the principles of natural justice is violated. It is also contended that only the third respondent is entitled to pass appropriate orders under the Tamil Nadu Land Encroachment Act, 1905 and therefore, the notices issued by the fourth respondent/The Revenue Inspector is also bad in law.

6. On the other hand, the learned Special Government Pleader appearing for the respondents submitted that the notice issued by the fourth respondent can be treated as a notice issued by the third respondent and therefore, the Petitioners can give their reply/explanations to the third respondent, so as to enable him to consider those objections and pass appropriate orders on merits and in accordance with law.

7. There is no dispute to the fact that the impugned notice is the one issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Needless to state that followed by such notice, a final order is to be passed by the competent authority under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, after hearing the objections raised by the Petitioners. In these cases, though the said notice was issued by the fourth respondent, we propose to remit the matter back to the third respondent for considering and passing appropriate orders. Accordingly, all these Writ Petitions are disposed of with the following directions:

(a) the impugned notice issued by the fourth respondent shall be treated as a notice issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

(b) the Petitioners are directed to give their explanations/objections to the said notices within a period of two weeks from the date of receipt of a copy of this order;

(c) on receipt of such explanations/objections, the third respondent shall pass a speaking order on merits and in accordance with law under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 within a period of four weeks thereafter; and

(d) till an order is passed by the third respondent, as stated supra, the status-quo, as on today, shall be maintained by the respective parties.

No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

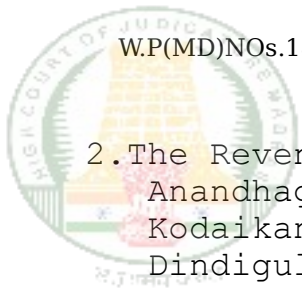
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Sub Assistant Registrar (CS)

To

1. The District Collector,
Dindigul District,

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



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Dindigul District - 624 101.

4.The Revenue Inspector,
Kodaikanal Firka,
Anna Salai,
Kodaikanal.

+1 CC to SPL GP SR-84614.

+2 CC to Mr.M.V.VENKATASESHAN, Advocate SR-84684.

COMMON ORDER MADE IN
W.P (MD) NOS.18739,18742,18743,
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CS(10.09.2019) 4P 8C