



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

Writ Petition (MD).No.19642 of 2019
and
W.M.P(MD)Nos.16098 and 16099 of 2019

M.Anthony ... Petitioner
Vs.

1.The Tahsildar, (Revenue)
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 Certiorarified Mandamus to call for the records relating to the impugned notice dated 26.08.2019 issued by the first respondent under Section 6 of Tamil Nadu Land Encroachment Act, 1905 quash the same and consequently, direct the respondents not to take any proceedings in the petitioner patta 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.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

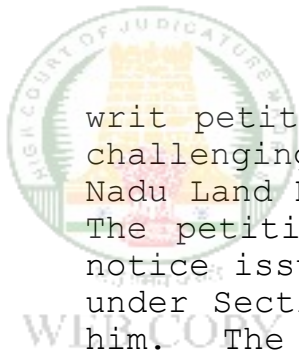
(Order of the Court was made by **T.S.SIVAGNANAM,J.**)

Heard Mr.F.Deepak, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate accepts notice for the respondents.

2.With consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.This is the second time the petitioner is before this Court complaining that he is the owner of the property in question and the respondents are unauthorisedly attempting to evict him. The earlier

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writ petition filed by the petitioner was W.P(MD).No.17932 of 2019 challenging the eviction notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'Act'). The petitioner contended that though he has given a reply to the notice issued under Section 7 of the Act, without passing any order under Section 6 of the Act, the respondents are attempting to evict him. The writ petition was disposed of by order dated 16.08.2019 directing the reply given by the petitioner to be considered and speaking order to be passed. However, without passing a speaking order, notice has been served under Section 7 of the Act on the petitioner. Since there was a specific direction issued by this Court in the earlier petition filed by the petitioner, the respondents were bound to follow the same scrupulously.

4.The learned Government Advocate submits that the property in question has been classified as "நிலவியல் ஓடை" and the question of the petitioner having any right or title over the property does not arise, in any event, this will be considered by the first respondent by taking note of the representation made by the petitioner.

5.For the above reasons, the impugned notice is set aside. The matter is remanded to the first respondent, who is directed to consider the petitioner's representation/reply along with the documents and pass speaking order in accordance with law. This direction shall be complied with within a period of two weeks from the date of receipt of a copy of this order.

6.This Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Tahsildar, (Revenue)
Sattur, Virudhunagar District.

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

+1 CC to MR.F.DEEPAK, Advocate (SR-86331[F] dated 12/09/2019)
+1 CC to SPL.GP (SR-86544[F] dated 13/09/2019)

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