



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE THARANI

W.P. (MD) No.20957 of 2019

and

W.M.P. (MD) Nos.17533 and 17536 of 2019

A.Andiyappan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi,
Pudukkottai District.

3.The Revenue Inspector,
Karaiyur Region, Ponnamaravathi Taluk,
Pudukkottai District.

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the third respondent in his proceedings in 3236/2019/A4 dated 15.07.2019 under Section 6 of the Tamil Nadu Land Encroachment Act and quash the same.

For Petitioner	: Mr.B.Prahalad Ravi
For Respondents	: Mr.S.Angappan Government Advocate

ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.B.Prahalad Ravi, learned counsel for the petitioner and Mr.S.Angappan, learned Government Advocate, for the respondents. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner is aggrieved by notice issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the act').



3. The petitioner has stated that the petitioner has given his objection on 19.06.2019 to the notice issued under Section 7 of the Act and the objection is stated to have been handed over in person. However, there is not proof to show that it has been properly served in the office of the respondent. In any event, the petitioner is required to offer reasonable opportunity before any action is taken for evicting the petitioner. The impugned notice states that the land is a poramboke land (thhp).

4. In the light of the above, we direct the petitioner to treat the notice issued under Section 7 of the Act as show cause notice and submit his objection within a period of ten days from the date of receipt of a copy of this order. On receipt of such objections, the third respondent shall consider the same and pass appropriate orders on merits and in accordance with law within a period of two weeks, after hearing the petitioner in person and perusing whatever documents the petitioner may produce, after which action should be taken. Till then, status quo prevailing as on date shall be maintained.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The Tahsildar,
Ponnamaravathi Taluk,
Ponnamaravathi, Pudukkottai District.

3.The Revenue Inspector, Karaiyur Region,
Ponnamaravathi Taluk, Pudukkottai District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.90531

+1CC TO MR.B.PRAHALAD RAVI, Advocate Sr. No. 90513

ORDER MADE IN

W.P. (MD) No. 20957 of 2019

27.09.2019

NS (CO)

TR(11.10.2019) 2P 6C

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