



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2019

CORAM:

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

W.P (MD)Nos.21287, 21290 and 21292 of 2019
and
W.M.P. (MD)Nos.17947, 17952, 17955 of 2019

P.Palaniyandi	.. Petitioner in W.P. (MD)No.21287 of 2019
K.Kandasamy	.. Petitioner in W.P. (MD)No.21290 of 2019
P.Mathivanan	.. Petitioner in W.P. (MD)No.21292 of 2019

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Marungapuri Taluk,
Trichy District.

.. Respondents in all petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned notice, dated 21.09.2019 of the second respondent issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, to the petitioner, quash the same as illegal.

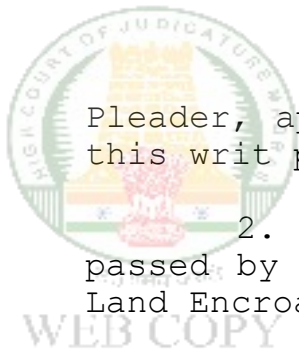
For Petitioners : Mr.AN.Ramanathan (in all Petitions)

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader
(in all petitions)

COMMON ORDER

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

Heard Mr.AN.Ramanathan, learned counsel appearing for the petitioners and Mr.A.K.Baskara Pandian, learned Special Government
<https://hcservices.ecourts.gov.in/hcservices/>



Pleader, appearing for the respondents. By consent on either side, this writ petition is taken up for final disposal.

2. These writ petition has been filed challenging the order passed by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act').

3. Initially, notice under Section 7 of the Act was issued and the petitioners had given their objections on 18.09.2019, in which they have stated as to why they should not be evicted and parallely they have also sought for grant of patta. Thereafter, the present impugned notice of eviction under Section 6 of the Act came to be issued. However, there is no intimation as to whether the authorities had considered the objections filed by the petitioners and the impugned orders are in statutory formats.

4. The Tahsildar would be well within his jurisdiction to issue notice in statutory format, but reasons should be accompanied along with the format. Unless reasons are furnished, the petitioners will not be in a position to know as to why their objections are not taken up. Therefore, we constrained to interfere with the impugned notice. For such reason alone, these writ petitions are allowed, the impugned notice is set aside and the matter is remanded to the Tahsildar for fresh consideration. The Tahsildar shall consider the petitioners' objections, conduct an enquiry and pass a reasoned order on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector, Trichy District, Trichy.

2.The Tahsildar, Marungapuri Taluk, Trichy District.

+3 CC to M/s.AN.RAMANATHAN, Advocate, SR-91488, 91489 & 91490

+1 CC to M/s.GP (SR-91658[F] dated 09/10/2019)

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