



WEB COPY

W.P(MD)No.25544 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.25544 of 2019

and

W.M.P.(MD)No.22094 of 2019

Ravisekaran

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Block Development Officer,
(Village Panchayat),
Vembakottai, Virudhunagar District.
- 3.The Tahsildar,
Vembakottai Taluk Office,
Vembakottai, Virudhunagar District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari to call for the records relating to the impugned orders passed by the third respondent dated 21.11.2019 in proceedings No.Nil and dated 22.11.2019 in Na.Ka.Aa1/2271/2016 and quash the same.

For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader
for R.1 and R.3

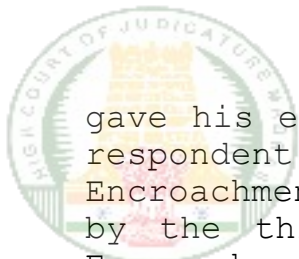
: Mr.R.Murugan
Additional Government Pleader for R.2

ORDER

(Order of this Court was made by **M.DURAI SWAMY, J.**)

It is the case of the petitioner that he was issued with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of Survey Nos.1566/32, 1566/33 and 1568. The petitioner

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gave his explanation to the third respondent. Thereafter the third respondent passed an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 on 21.11.2019. Challenging the order passed by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner preferred an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the first respondent. The appeal was filed by the petitioner on 22.11.2019. However, the third respondent issued another notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, on 22.11.2019 to the petitioner in respect of same survey numbers. When the petitioner was issued with a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, on 21.11.2019, which was under challenge before the first respondent in an appeal preferred by him under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, absolutely there is no necessity for issuing another notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, on the very next day ie., 22.11.2019 in respect of the same survey numbers.

2. Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 3 submitted that the third respondent ought not to have issued the second notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, on 22.11.2019, when he had already been issued with the notice on the previous day ie., on 21.11.2019.

3. For the reasons stated above, the impugned notice dated 22.11.2019 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, is liable to be set aside. Accordingly the same is set aside. The first respondent is directed to dispose of the appeal preferred by the petitioner as against the order dated 21.11.2019 on merits and in accordance with law as expeditiously as possible. The first respondent is also directed to dispose of the stay petition filed by the petitioner under Section 10(b) of the Tamil Nadu Land Encroachment Act, 1905, within a period of two weeks from the date of receipt of a copy of this order.

4. With the above observations, the Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Block Development Officer,
(Village Panchayat),
Vembakottai,
Virudhunagar District.

3.The Tahsildar,
Vembakottai Taluk Office,
Vembakottai,
Virudhunagar District.

+1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-103170[F] 03/12/2019)

+1 CC to M/s.Special Govt. Pleader (SR-103292[F] dated 04/12/2019)

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