



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.25792 of 2019

and

W.M.P (MD) Nos.22322 & 22324 of 2019

M.Chelliah

... Petitioner

Vs.

1.The Tahsildar,
Kalaiyakovil Taluk,
Sivagangai District.

2.The Revenue Inspector,
Maravamangalam Firka,
Kalaiyarkovil Taluk,
Sivagangai District.

3.The District Collector,
Sivagangai District.

... Respondents

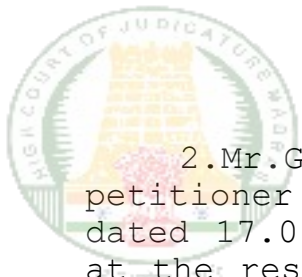
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned notice dated 17.09.2019 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on the file of the second respondent and the consequent order dated 03.10.2019 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 on the file of the first respondent and quash the same.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.A.Muthu Karuppan, Additional Government Pleader.

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records relating to the proceedings of the impugned notice dated 17.09.2019 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on the file of the second respondent and the consequent order dated 03.10.2019 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 on the file of the first respondent and to quash the same.



2.Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner submitted that both the notices ie., Section 7 notice dated 17.09.2019 and Section 6 notice dated 03.10.2019 were pasted at the residence of the petitioner on the same day ie., 20.11.2019 and therefore, the petitioner did not have any opportunity to give his explanation to Section 7 notice.

3.It is settled position that the authorities shall give Section 7 notice to the alleged encroacher and on receipt of the reply, the authorities shall pass an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and as against the same, an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 is provided before the District Collector.

4.In the case on hand, the petitioner was not given any time for submitting his reply. In these circumstances, we are of the view that the petitioner can be granted 15 days time to submit his reply to the first respondent.

5.The learned Additional Government Pleader appearing for the respondents had also submitted that the petitioner can be given 15 days time for submitting his reply and thereafter, the first respondent may be directed to pass an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

6.Having regard to the submissions made on either side, notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is set aside. The petitioner is granted 15 days time from today to submit his reply to the Section 7 notice dated 17.09.2019 and on receipt of the same, the first respondent shall pass appropriate orders under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

7.Accordingly, the Writ Petition is partly allowed. No costs. consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1.The Tahsildar,
Kalaiyakovil Taluk,
Sivagangai District.

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



2.The Revenue Inspector,
Maravamangalam Firka,
Kalaiyarkovil Taluk,
Sivagangai District.

3.The District Collector,
Sivagangai District.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-103298[F] dated
04/12/2019)

W.P (MD) No.25792 of 2019
04.12.2019

PS
TK/SAR.4/04.12.2019/3P/5C