



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

**W.P(MD)No.26061 of 2019
and W.M.P(MD)No.22559 of 2019**

Ponkallanda Nadar

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

3.The Assistant Block Development Officer (IV),
Karunkulam Panchayat Union,
Srivaikundam Taluk,
Thoothukudi District.

4.The Special Officer,
Karunkulam Panchayat,
Karunkulam Panchayat Union,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned notice in Na.Ka.A5-4823-2019 dated 28.11.2019 issued by the second respondent and quash the same as illegal.

For Petitioner : Mr.P.M.Vishnuvarthanan

For RR 1 & 2 : Mr.VR.Shanmuganathan,
Special Government Pleader.

For RR 3 & 4 : Mrs.J.Padmavathi Devi,
Special Government Pleader.



ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, dated 28.11.2019 by the second respondent and to quash the same.

2.Admittedly, notice issued under Section 7 of the Act is only a show-cause notice to the alleged encroacher calling upon him to submit his reply. Instead of submitting the reply, the petitioner has filed the Writ Petition stating that he is not in occupation of Survey No.7/6 and that he is in occupation of only Survey No.7/3A-2A.

3.In any event, notice issued under Section 7 of the Act cannot be challenged by way of an appeal under Section 10 of the Act.

4.In such view of the matter, we are not inclined to interfere with the notice issued under Section 7 of the Act and hence, the Writ Petition is bereft of merits and the same is dismissed. It is open to the petitioner to submit his reply in Section 7 notice in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
- 3.The Assistant Block Development Officer (IV),
Karunkulam Panchayat Union,
Srivaikundam Taluk, Thoothukudi District.



4.The Special Officer,
Karunkulam Panchayat,
Karunkulam Panchayat Union,
Thoothukudi District.

WEB COPY

+1 CC to SPL GP (SR-104184[F] dated 10/12/2019)

+1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-104309[F] dated
10/12/2019)

W.P (MD) No.26061 of 2019
09.12.2019

MK (26.12.2019) 3P 7C