

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 8289 of 2020
& W.M.P.Nos. 9930 & 9931 of 2020

L.Rajamani

.. Petitioner

Vs

1.The District Collector
Office of the Collectorate, Erode District.

2.The Tahsildar
Sathyamangalam Taluk, Sathyamangalam.

3.The Block Development Officer (Village Panchayat)
Sathyamangalam Panchayat Union,
Sathyamangalam.

4.The President cum-Executive
officer Indiyampalayam Village Panchayat
Indiyampalayam Sathyamangalam Taluk,
Erode District.

.. Respondents

Petition filed under Article 226 of the Constitution of India calling for records relating to the notice dt.30.5.2020 on the file of the 4th Respondent made in respect of a portion of the tiled roof house in the petitioner's patta land bearing S.F.No.174/2(Old S.F.No.38/Pa)situated at Indiyampalayam village Sathyamangalam Taluk Erode District and to quash the same.

For Petitioner .. Mr.R.Nandhakumar
For Respondents .. Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

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

Challenging the notice dated 30.5.2020 issued by the fourth respondent, the present writ petition has been filed.

2. The sum and substance of the grievance of the petitioner is that the impugned notice has been passed without affording an opportunity of hearing. According to the petitioner, the alleged property under encroachment is a patta land.

3. On a perusal of the impugned notice, we find that there is no indication of the petitioner having been heard.

4. In such view of the matter, the impugned notice stands set aside with a direction to the fourth respondent to afford an opportunity to the petitioner before taking any action. If the Revenue Authority, namely, the second respondent, has already initiated action under the provisions of the Tamil Nadu Land Encroachment Act, 1905, it is well open to the said authority to proceed further in accordance with law.

5. The writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mni/ssm

To

- 1.The District Collector
Office of the Collectorate, Erode District.
- 2.The Tahsildar
Sathyamangalam Taluk, Sathyamangalam.
- 3.The Block Development Officer (Village Panchayat)
Sathyamangalam Panchayat Union,
Sathyamangalam.
- 4.The President cum-Executive
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Indiyampalayam Sathyamangalam Taluk,
Erode District.

W.P.No.8289 of 2020

PP (CO)
RMP (06/08/2020)