



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.11889 of 2020

and W.M.P. (MD)No.10291 of 2020

(Through Video conferencing)

T.Nehru

...Petitioner

-Vs-

1.The Tahsildar

Melur Taluk, Madurai District.

2.The Revenue Inspector

Vellalur Firka, Melur Taluk

Madurai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorari, calling for the records relating to the impugned order dated 04.09.2020 (served to petitioner on 07.09.2020) on the file of the 1st respondent passed under Section 6 of the Tamil Nadu Land Encroachment Act and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Muthugeethaiyan,
Special Government Pleader

ORDER

[Order of the Court was made by **M. SATHYANARAYANAN, J.,**]

The petitioner is a resident of Bharathi Nagar, Thaniyamangalam, Melur Taluk, Madurai and according to him, his ancestors, by way of succession, is in possession of 5 acres of land in Survey Nos.360/8, 341/5 and 341/1, situate in Thaniyamangalam Village, Melur Taluk and he is carrying on agricultural operation in the said lands.

2. The learned counsel appearing for the petitioner would submit that the petitioner belongs to schedule caste community and the sole source of his livelihood is the agricultural operation and he came to understand that in pursuant to the order dated 04.12.2019, passed in W.P.(MD)No.23622 of 2019, the first respondent has initiated proceedings under the provisions of the Tamil Nadu Land Encroachment Act, 1905 and if an opportunity to put forth his



grievance/defence would be provided, the petitioner would be satisfied.

3. This Court heard the submissions of Mr.M.Muthugeethaiyan, learned Special Government Pleader, who accepts notice on behalf of respondents, and on instructions, he would submit that the eviction proceedings under the provisions of the Tamil Nadu Land Encroachment Act, 1905, is being taken in compliance of the above cited order passed in W.P.(MD)No.23622 of 2019.

4. This Court has considered the rival submissions and also perused the materials placed on record.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going to the merits of the claim projected by the petitioner, permits the petitioner to submit a detailed response to the impugned notice dated 04.09.2020 issued by the first respondent, by enclosing relevant and authenticated documents, within a period of two (2) weeks from the date of receipt of a copy of this order and upon receipt of the same, the first respondent is directed to consider the same and give a disposal in accordance with law within a further period of three (3) weeks thereafter and till such time, shall defer further decision in terms of the impugned notice dated 04.09.2020. It is also made clear that the petitioner, till the disposal of the representation submitted by him, by the first respondent, shall not create any third party rights in respect of the lands in question.

This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Tahsildar
Melur Taluk, Madurai District.

2.The Revenue Inspector
Vellalur Firka, Melur Taluk
Madurai District.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-17805[F] dated
23/09/2020)

+1 CC to M/s.SPL GP (SR-17879[F] dated 23/09/2020)

W.P.(MD)No.11889 of 2020
and W.M.P.(MD)No.10291 of 2020
22.09.2020

SVN(CO)
KB(30.09.2020) 3P 5C