



WEB COPY

W.P(MD)No.14647 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14647 of 2020

and

W.M.P(MD)No.12297 of 2020

A.Perumal Naicker

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Thasildar,
Tuticorin Taluk,
Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari, calling for the records pertaining to impugned order dated 17.09.2020 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.S.Muthalraj

For Respondents : Mr.Muthugeethaiyan,
Special Government Pleader

ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner has challenged the notice issued by the Tahsildar, Tutitcorin Taluk, Tuticorin / 2nd respondent under Section 7 of the Tamil Nadu Land Encroachment Act by contending that the land in their possession is classified as Natham land, for which, the Revenue Authorities have no jurisdiction for initiating such proceedings.

2.Heard Mr.S.Muthalraj, learned Counsel appearing for the petitioner and Mr.Muthugeethaiyan, learned Special Government Pleader appearing for the respondents.

3.The learned Counsel for the petitioner mainly relied on the sale deed, dated 10.05.2017 to show that the petitioner's son has purchased the property in Survey No.150/1 for a sale consideration of Rs.1,04,332/- and he further submitted that the second respondent has no jurisdiction to issue the impugned notice, which has been



wrongly issued to the petitioner, instead of his son.

4. Under such circumstances, this Court issues the following directions:

(i) The petitioner shall give his explanation to the impugned notice within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such an explanation from the petitioner, the second respondent shall pass appropriate orders within a period of six weeks therefrom, by conducting an enquiry after providing an opportunity of hearing to the petitioner, and

(iii) Till such an order is passed and served upon the petitioner by the second respondent, there shall not be any coercive action.

5. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk
To

1. The District Collector,
Tuticorin District, Tuticorin.

2. The Thasildar,
Tuticorin Taluk,
Tuticorin.

+1 CC to M/s.GP (SR-20805[F] dated 02/11/2020)