



WEB COPY

W.P(MD)No.14632 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.14632 of 2020

and

W.M.P(MD)No.12286 of 2020

Dr.Thilagavathi

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

4.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

5.The President,
Thalaivapuram 2nd Grade Village Panchayat,
Rajapalayam Panchayat Union,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records of the 4th respondent in his proceedings in Na.Ka.No.A6/2596/2020 dated 30.09.2020 and quash the same as illegal, arbitrary, violation of law and without jurisdiction.

For Petitioner : Mr.M.Jothibasu

For Respondent : Mr.Muthugeethaiyan,

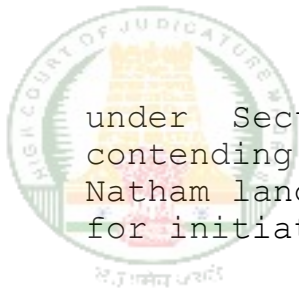
Nos.1 -4

Special Government Pleader

ORDER

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

The petitioner has challenged the notice issued by the
Tahsildar, Rajapalayam Taluk, Virudhunagar District / 4th respondent
<https://hcservices.ecourts.gov.in/hcservices/>



under Section 7 of the Tamil Nadu Land Encroachment Act by contending that the land in their possession is classified as a Natham land, for which, the Revenue Authorities have no jurisdiction for initiating such proceedings.

2. Heard Mr.M.Jothibas, learned Counsel appearing for the petitioner and Mr.Muthugeethiyan, learned Special Government Pleader appearing for the respondents 1 to 4.

3. The learned Counsel for the petitioner raised a ground that the 4th respondent has got no jurisdiction to issue the impugned notice and the land in her occupation, as per the revenue classification is Natham, over which, the revenue officials have no jurisdiction and therefore, prayed that the impugned notification is liable to be set aside.

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

(i) The petitioner shall give her 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 4th 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 4th 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)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.



2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

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4.The Tahsildar,
Rajapalayam Taluk,
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Thalaivapuram 2nd Grade Village Panchayat,
Rajapalayam Panchayat Union,
Virudhunagar District.

+1 CC to Mr.JOTHI BASU, Advocate (SR-20738[F] dated 29/10/2020)

+1 CC to SGP (SR-20779[F] dated 02/11/2020)

W.P (MD) No.14632 of 2020

28.10.2020

KMV(CO)
NR (26/11/2020) 3P : 8C