



WEB COPY

W.P.(MD)No.16273 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.16273 of 2020

and

W.M.P. (MD)Nos.13601 and 13602 of 2020

Ashpaak

... Petitioner

Vs.

1.The Sub-Collector cum
The Revenue Divisional Officer,
Kodaikkanal,
Dindigul District.

2.The Tahsildar,
Kodaikkanal,
Dindigul District.

3.The Revenue Inspector,
Kodaikkanal,
Dindigul District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned Suo-Motu eviction order dated 10.11.2020 passed by the third respondent which was affixed in the petitioner's house and quash the same as illegal.

For Petitioner	:	Mr.K.P.Sankarakumarakuruparan
For Respondents	:	Mr.M.Muthugeethaiyan Special Government Pleader

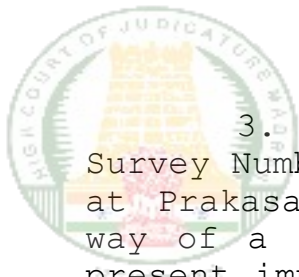
ORDER

(Order of the Court was made by N.KIRUBAKARAN,J)

The petitioner has challenged the impugned notice dated 10.11.2020, issued by the third respondent stating that the petitioner has encroached upon the property comprised in Survey Number 141/1, situated at Prakasapuram Village, Kodaikkanal Taluk, Dindigul District, as Government Tharisu.

2. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and also perused the materials available on record.

<https://hservices.eports.gov.in/hservices/>



3. The petitioner would submit that he purchased the land in Survey Number 141/1, admeasuring to an extent of 1.65 acres situated at Prakasapuram Village, Kodaikkanal Taluk, Dindigul District, by way of a sale deed. When he is enjoying the said property, the present impugned notice has been issued by the third respondent, as if the petitioner has encroached upon the Government land and put up a superstructure.

4. It is only a notice, which has been issued under Section 7 of the Tamil Nadu Land Encroachment Act and what is required to be done by the petitioner is, to give a reply to the said notice and thereafter, an order would be passed under Section 6 of the Tamil Nadu Land Encroachment Act by the concerned authorities. Without waiting for the order passed under Section 6 of the Tamil Nadu Encroachment Act, the petitioner has rushed to this Court. Therefore, the petitioner is directed to give his reply to the impugned notice dated 10.11.2020 issued by the third respondent, within a period of two weeks from today, to the third respondent. After receiving the said reply, the third respondent shall pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter. Irrespective of the statement made in the notice, it is to be treated only as a show cause notice and is required only a reply. Till the order is passed under Section 6 of the Tamil Nadu Encroachment Act, no coercive steps should be taken by the respondents and the petitioner shall also not encumber the property.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

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 Sub-Collector cum
The Revenue Divisional Officer,
Kodaikkanal,
Dindigul District.

2.The Tahsildar,
Kodaikkanal,
Dindigul District.

3.The Revenue Inspector,
Kodaikkanal,
Dindigul District.

+1 CC to M/s.SPL GP (SR-22340[F] dated 20/11/2020)

+1 CC to M/s.K.P.SANKARA KUMARA KURUPAR, Advocate (SR-22000[F]
dated 18/11/2020)

W.P. (MD) No.16273 of 2020
11.11.2020

PM(CO)
KB(30.11.2020) 3P 6C