



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **N. KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.17882 of 2020

and W.M.P. (MD)Nos.14913 and 14914 of 2020

WEB COPY

Lakshmanan

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Tahsildar,
Karaikudi Taluk Office,
Karaikudi,
Sivagangai District.

3. The Village Administrative Officer,
Periyakottakudi Village,
Periyakottakudi Group,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorarified mandamus, to call for the records pertaining to the 2nd respondent made in proceedings No.Nil dated 19.11.2020 and to quash the same and to direct the respondents to refrain from demolishing the house building in Survey No.320/11 at Nemmeni Village, Periyakottakudi Group, Karaikudi Taluk, Sivagangai District and evicting the petitioner without following the legal requirements of law.

For Petitioner : Mr.Mahadevan
for M/s.S.Balakarthick

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

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

The petitioner has challenged the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as "the Act"), alleging that he was not given a notice under Section 7 of the Act, before passing the impugned order.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. On an earlier occasion, the daughter-in-law of the petitioner, filed a writ petition in W.P.(MD)No.14556 of 2014, seeking for the issuance of a writ of mandamus, to direct the respondents to consider her representation dated 25.08.2014 and not to disturb her peaceful possession in S.No.320/11 at Nemani Village, Periyakottaikudi Group, Karaikudi Taluk, Sivagangai District. This Court, by order dated 04.09.2014, directed the first respondent, namely, the Tahsildar, Karaikudi, Sivagangai District, to consider the petitioner's objection, after affording an opportunity of personal hearing and thereafter pass appropriate orders on merits and in accordance with law.

4. Now, it is the grievance of the petitioner that the respondents issued a notice under Section 6 of the Act, without giving notice under Section 7 of the Act after the lapse of six years. Hence, the present writ petition has been filed.

5. Though it is contended by Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents that the notice under Section 7 has already been issued, this Court, without going into the claim of the petitioner, directs the petitioner to treat the impugned notice as a notice under Section 7 of the Act and the petitioner shall give his reply along with the required documents to the respondents within a period of two weeks. After getting the reply and the required documents, the respondents shall pass appropriate order within a period of four weeks. Till the order is passed under Section 6 of the Act, the petitioner's possession shall not be disturbed. After passing orders, appropriate action shall be taken by the respondents.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

WEB COPY

To

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Sivagangai District,
Sivagangai.
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Karaikudi,
Sivagangai District.
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W.P. (MD) No.17882 of 2020

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MJ(CO)
CS(30.12.2020) 3P 4C