



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.27298 of 2019

and

W.M.P (MD)No.23575 of 2019

Muneeswaran

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Revenue Inspector,
Samayanallur Inner Circle,
Madurai North Taluk,
Madurai.

4.The Village Administrative Officer,
07, Sirvuvzhai Village,
Madurai North,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from evicting the petitioner from lands in Old Survey No.207/2, New Survey No.155/2 and Old Survey No.207/4, New Survey No.155/4 to an extent of 40 cents and 1 acre and 81 cents respectively in Siruvazhai Village, Samayanallur, Madurai North, Madurai District as per the notice dated 03.10.2018 of the respondents 3 and 4 without following the procedure contemplated under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.VR.Shanmuganathan,

Special Government Pleader.



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

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The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, to forbear the respondents from evicting him from lands in Old Survey Nos.207/2 and 207/4, New Survey Nos.155/2 and 155/4 measuring to an extent of 40 cents and 1 acre and 81 cents respectively in Siruvazhai Village, Samayanallur, Madurai North, Madurai District as per the notice dated 03.10.2018 without following the procedure contemplated under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2.It is the contention of the petitioner that the respondents 3 and 4 issued a notice under Section 5 of the Tamil Nadu Land Encroachment Act, 1905 on 03.10.2018 calling upon the petitioner to give his reply within a period of seven days. Accordingly, the petitioner gave his reply to the notice on 08.10.2018. However, the respondents, without considering the same, are trying to dispossess the petitioner from the lands in dispute. In these circumstances, the petitioner has filed the Writ Petition seeking for the relief as mentioned above.

3.Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents submitted that the second respondent would pass orders under the Tamil Nadu Land Encroachment Act, 1905, only after considering the reply given by the petitioner.

4.Recording the submission made by the learned Special Government Pleader, we dispose of the Writ Petition by making it clear that the second respondent shall pass orders only after considering the petitioner's reply dated 08.10.2018. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Madurai.

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4.The Village Administrative Officer,
07, Sirvuvzhai Village,
Madurai North,
Madurai District.

+1 CC to SPL.GP (SR-99[F] dated 03/01/2020)

+1 CC to Mr.A.SIVASUBRAMANIYAM, Advocate (SR-9[F] dated
02/01/2020)

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