



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND**

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.706 of 2021 and

W.M.P. (MD)No.587 of 2021

Ramasamy

: Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Marungapuri Taluk,
Trichy District.

3.The Revenue Inspector,
Thuvarankuruchi,
Marungapuri Taluk,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records relating to the impugned notice issued by the 3rd respondent under Section 7 of the Land Encroachment Act and quash the same.

For Petitioner : Mr.B.Prahald Ravi

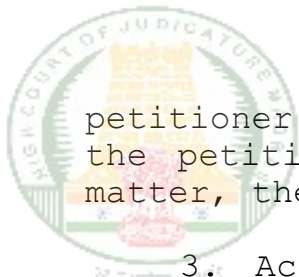
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

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

The petitioner has come forward to file this writ petition challenging the order issued under Section 7 of the Land Encroachment Act, on the premise that the subject land is not a Government land, but one belongs to the Boodan Board. It is the further case of the petitioner that he is in possession and enjoyment with the permission of the original assignee and therefore, he could not be assigned the status of an encroacher.

2. We are not inclined to entertain the writ petition by going into the factual adjudication with respect to the status of the



petitioner vis-a-vis the nature of the land. What has been issued to the petitioner is only a show cause notice. In such view of the matter, the petitioner will have to show cause.

3. Accordingly, liberty is given to the petitioner to show cause to the impugned notice within a period of four weeks from the date of receipt of a copy of this order. On receipt of the reply from the petitioner, the third respondent will have to pass a speaking order, instead of a cyclostylic order in the prescribed format. Orders passed under Section 6 of the Act are having civil consequences. Therefore, the authority is expected to pass a speaking and reasoned order, by considering the cause shown by the alleged encroacher. Otherwise, the very object of the Act itself would be defeated. After all, the reasoning is the heart and soul of any administrative order having civil consequences.

4. With the above observation, this writ petition stands disposed of. We make it clear that the final order will have to be passed within a period of four weeks from the date of receipt of reply from the petitioner. Till such time, *status-quo*, as on date, shall be maintained. We further make it clear that the question of jurisdiction with respect to the the issuance of the impugned notice by the second respondent will also have to be considered. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The District Collector,
Trichy District,
Trichy.

2.The Tahsildar,
Marungapuri Taluk,
Trichy District.



3.The Revenue Inspector,
Thuvarankuruchi,
Marungapuri Taluk,
Trichy District.

+1 CC to Mr.B.PRAHALAD RAVI, Advocate (SR-1989[F] dated
25/01/2021)

+1 CC to SGP (SR-1869[F] dated 22/01/2021)

**W.P. (MD) No. 706 of 2021
21.01.2021**

KM (05.02.2021) 3P 6C