



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.11843 to 11846 of 2012

and

M.P.[MD]Nos.1,1,1,1, of 2012

G.Pappa @ Santhanamari

... Petitioner in W.P(MD).No.11843 of 2012

D.Sargunam

... Petitioner in W.P(MD).No.11844 of 2012

D.Chinnadurai

... Petitioner in W.P(MD).No.11845 of 2012

A.Jaya Shanmugarajan

... Petitioner in W.P(MD).No.11846 of 2012

Vs.

1. The District Collector,
Tuticorin District,
Turicorin.

2. The Commissioner,
Turicorin Municipal Corporation,
Tuticorin-2.

3. The Thasildar,
Taluk Office,
Tutocorin.

... Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned notice dated 10.08.2012 issued by the 3rd respondent herein and quash the same.

For Petitioners

: Mr.P.Athimoolapandian
(in all Writ Petitions)

For Respondents

: Mr.A.K.Manickam
Standing Counsel for Govt,
For R1 to R3.



C O M M O N O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.P.Athimoolan, learned Counsel for the petitioners and Mr.A.K.Manickam, learned Standing Counsel appearing for the respondents.

2. The petitioners have questioned a notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on several grounds and in particular that the land is a Grama Natham land and the Thasildar has no jurisdiction to issue the notice. At the time, when the Writ Petitions are admitted, an order of interim stay has been granted and counter affidavit along with vacate stay petition has been filed in September, 2013, which is listed before us for the first time only now. The petitioners continue to be in possession of the property which is stated to be a shopping complex (Vaniga Valagam).

3. In our considered view, the petitioners should raise the question of jurisdiction before the Authority by giving a reply to the impugned notice and the Authority has to adjudicate the matter and if any adverse orders are passed, there is an appellate remedy available. There is also probability that if the Authority is furnished with relevant documents proceedings may even be dropped. Therefore, the petitioners shall submit a reply to the impugned notice. Accordingly, we dispose of the writ petitions by directing the petitioners to submit a reply within three months including all documents in proof of their lawful possession. The petitioners are at liberty to raise the question of jurisdiction. On receipt of the reply, the respondents should conduct an enquiry, afford an opportunity of personal hearing and pass a speaking order within a period of three months on merits and in accordance with law. Till then, the Status quo with regard to the possession as on date shall be maintained.

4. With the above directions, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

KMM/MR

Note: In view of the present lock down owing to COVID-19
<https://hcservices.ecourts.gov.in/hcservices/>



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 District Collector,
Tuticorin District,
Turicorin.
2. The Commissioner,
Turicorin Municipal Corporation,
Tuticorin-2.
3. The Thasildar,
Taluk Office,
Tutocorin.

+1 CC to M/s.SPL GP (SR-21023[F] dated 02/07/2021)

W.P. [MD] Nos.11843 to 11846 of 2012

30.06.2021

RK (19.07.2021) 3P 5C