



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2021

CORAM:

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

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.P. (MD) No. 3012 of 2021

and

W.M.P. (MD) No. 2414 of 2021

Rajalakshmi

: Petitioner

Vs.

1. The District Collector,
Dindigul District.

2. The Special Tahsildar,
Aadi Dravidar Nalam, Alagu - I,
Dindigul.

3. The Special Revenue Inspector,
Aadi Dravidar Nalam, Alagu - I,
Dindigul.

: 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 order passed by the third respondent in Na.Ka.No.2880/98/A, dated 16.11.2020 and quash the same.

For Petitioners : Mr. M. Gnanagurunathan

For Respondents : Mr. N. Shanmugaselvam,

Additional Government Pleader

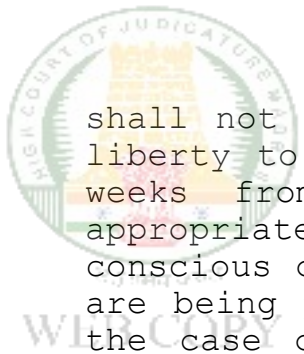
ORDER

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

This writ petition has been filed by the petitioner challenging the notice of eviction issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, on the premise that notwithstanding the pendency of the suits and the assignment patta standing in the name of the petitioner and her mother-in-law, the aforesaid proceedings was concluded and that too, without any notice.

2. The learned Additional Government Pleader appearing for the respondents submitted that the objections of the petitioner will be considered and a further order would be passed.

3. A perusal of the impugned order indicates that the petitioner has not been heard. This order has got civil consequences. In such view of the matter, the impugned notice dated 16.11.2020 is set aside. If the third respondent wants to proceed afresh, a notice to show cause, as to why the alleged encroachment



shall not be removed, will have to be given. The petitioner is at liberty to give a reply to the said notice within a period of two weeks from the date of receipt of such notice. Thereafter, appropriate final order will have to be passed. We are quite conscious of the fact that orders passed under Section 6 of the Act are being passed in a prescribed format, mechanically. Inasmuch as the case of the petitioner is that she has been issued with an assignment patta, along with her mother-in-law, we expect the third respondent to pass a reasoned speaking order.

4. With the above observations and directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

- 1.The District Collector,
Dindigul District.
- 2.The Special Tahsildar,
Aadi Dravidar Nalam, Alagu - I,
Dindigul.
- 3.The Special Revenue Inspector,
Aadi Dravidar Nalam, Alagu - I,
Dindigul.

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate (SR-5748[F] dated 17/02/2021)

+1 CC to M/s.SPL GP (SR-5969[F] dated 18/02/2021)

W.P. (MD) No.3012 of 2021
17.02.2021

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KB(26.02.2021) 2P 6C