



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.[MD] Nos.9495 & 9496 of 2021

and

W.M.P.[MD] Nos.7231 & 7232 of 2021

Srinivasan ... Petitioner in W.P(MD)No.9495/2021
V.Karuthasamy ... Petitioner in W.P(MD)No.9496/2021

vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Thasildar,
Devakottai Taluk,
Sivagangai District.

3.The Zonal Deputy Thasildar,
Devakottai Taluk,
Sivagangai District.

... Respondents in both W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Certiorarified Mandamus, calling for the records pertains to the impugned eviction of the third respondent, dated 11.05.2021 and quash the same as illegal and consequently direct the second respondent to consider the petitioners representation, dated 12.05.2021 and provide patta to them insofar as the land in Survey Nos.433/2 & 433/1 respectively of Mangalam Village, Vengalur Group.

For Petitioner : Mr.S.Sukumar
(In both W.Ps')

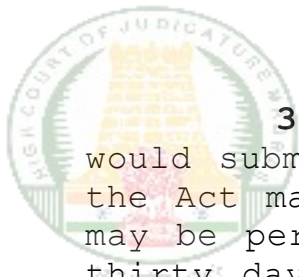
For Respondents : Mr.Veera.Kathiravan
(In both W.Ps') Standing Counsel

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

These writ petitions have been filed challenging the notices issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short, "the Act").

2. According to the petitioners, while issuing impugned notices, the third respondent has not followed the procedures as contemplated under the Act.



3. The learned Standing Counsel for the State Government would submit that the impugned notices issued under Section 7 of the Act may be treated as show cause notices and the petitioners may be permitted to submit their explanations within a period of thirty days and the same would be considered in accordance with law.

4. We have heard the learned counsel for the petitioners on the above submissions of the learned Standing Counsel for the State Government.

5. A perusal of the impugned notices would show that the eviction notices have been issued without issuing notices calling upon the petitioners to show cause as to why they should not be proceeded for eviction of encroachment. Therefore, we are of the view that the impugned notices shall be treated as show cause notices.

6. In view of the above, this Court is inclined to pass the following orders:

- (i) The impugned notices, dated 11.05.2021, issued by the third respondent, shall be treated as show cause notices.
- (ii) The petitioners shall submit their explanations within a period of four weeks from the date of receipt of a copy of this order.
- (iii) On such explanation being submitted by the petitioners, the third respondent shall consider the same and pass orders on merits and in accordance with law as expeditiously as possible, preferably within a period of eight weeks thereafter.
- (iv) Till final orders are passed, the *status quo* prevailing as on date shall be maintained.

7. With above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

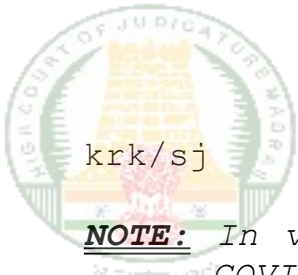
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Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



krk/sj

W.P(MD)No.9495/2021

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.

To:

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Thasildar,
Devakottai Taluk,
Sivagangai District.

3.The Zonal Deputy Thasildar,
Devakottai Taluk,
Sivagangai District.

+2 CC to MR.S.SUKUMAR, Advocate (SR-18572, 18573[F] dated 19/05/2021)

+1 CC to SPL G P (SR-18576[F] dated 20/05/2021)

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19.05.2021

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