



WEB COPY

W.P.(MD)No.10775 of 2021

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)No.10775 of 2021

W.M.P. (MD) No.8396 of 2021

G.Raja

... Petitioner

Vs.

The Tahsildar,  
Kalaiyarkoil Taluk,  
Sivagangai District.

... Respondent

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the Impugned Notice dated 17.06.21 issued under Section 6 of Tamil Nadu Land Encroachment Act, 1905 on the file of the Respondent and quash the same.

|                |   |                                 |
|----------------|---|---------------------------------|
| For Petitioner | : | Mr.G.Prabhu Rajadurai           |
| For Respondent | : | Mr.A.K.Manickam                 |
|                |   | Standing Counsel for Government |

**ORDER**

**(Order of the Court was made by T. S. SIVAGNANAM, J.)**

Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the respondent.

2.The petitioner challenges the notice of eviction issued under Section 6 of Tamil Nadu Land Encroachment Act, 1905.

3.The main grounds on which the impugned order is challenged are it is in violation of principles of natural justice and it is a non-speaking order, inspite of the petitioner has given reply to the notice under Section 7 of the Tamil Nadu Encroachment Act, 1905, which has been sent by the petitioner through his counsel on 22.05.2021 and has been received by the office of the respondent on 24.05.2021. If according to the respondent, the petitioner is an encroacher and notice under Section 7 of the Act has been served upon him and when the petitioner has sent a reply/objection, the respondent is duty bound to consider the objection and either accept or reject the same by passing a speaking order, but the respondent has merely passed an order in the printed form. This would be sufficient to quash the notice issued under Section 6 of the Act.



4.We make it clear that we have not gone into the merits of the contention advanced by the petitioner as regards the possession or their claim nor the submissions of the learned Standing Counsel for Government with regard to the financial status of the petitioner.

5.For the above reasons, the Writ Petition stands allowed and the matter is remanded to the respondent to consider the reply given by the petitioner, afford an opportunity of personal hearing to the petitioner and thereafter, pass a speaking order on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

**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**

The Tahsildar,  
Kalaiyarkoil Taluk,  
Sivagangai District.

+1 CC to M/s.G.PRABHURAJADURAI, Advocate ( SR-20807[F] dated 01/07/2021 )

+1 CC to M/s.SPL GP ( SR-21058[F] dated 02/07/2021 )

**W.P. (MD)No.10775 of 2021**  
**30.06.2021**

AS (07.07.2021) 2P 4C