



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) Nos.11106 to 11108 of 2021

and

W.M.P. (MD) Nos.8720 & 8721, 8722 & 8723 and 8724 & 8725 of 2021

Palaniappan	...	Petitioner in W.P.(MD) No.11106 of 2021
Vasanthan	...	Petitioner in W.P.(MD) No.11107 of 2021
Selvam	...	Petitioner in W.P.(MD) No.11108 of 2021

Vs

The Executive Officer,
Kottaiyur Special Grade Town Panchayat,
Sivagangai District. ... Respondent in all the Writ Petitions

PRAYER in W.P.(MD) No.11106 of 2021: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice of the respondent dated Nil signed on 30.06.2021 served on the petitioner on 01.07.2021 and to quash the same and consequently, forbearing the respondents from interfering with the peaceful possession and enjoyment of the property in Door No.5-3-45, Karaikudi Main Road, Kottaiyur, Karaikudi Taluk, Sivagangai District.

PRAYER in W.P.(MD) No.11107 of 2021: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice of the respondent dated Nil signed on 30.06.2021 served on the petitioner on 01.07.2021 and to quash the same and consequently, forbearing the respondents from interfering with the peaceful possession and enjoyment of the property in Door No.5-2-33A, 5-2, 33B, Valayar South Street, Kottaiyur, Karaikudi Taluk, Sivagangai District.

PRAYER in W.P.(MD) No.11108 of 2021: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice of the respondent dated Nil signed on 30.06.2021 served on the petitioner on 01.07.2021 and to quash the same and consequently, forbearing the respondents from interfering with the peaceful possession and enjoyment of the property in Door No.5-2-1 at Valayar South Street, Kottaiyur, Karaikudi Taluk, Sivagangai District.



For Petitioner in all : Mr.J.Anandaraj
the Writ Petitions

For respondents in all : Mr.A.K.Manickam
the Writ Petitions Standing Counsel for Government

WEB COPY

COMMON ORDER

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

Heard Mr.J.Anandkumar, learned counsel appearing for the petitioners and Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the respondent.

2.The petitioners have filed these Writ Petitions, challenging the notices issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3.Admittedly after the petitioners sent their replies to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, no enquiry was conducted. The petitioners claim that the entire land in question was allotted to a particular community, who have earmarked some portion for the petitioners to reside, who are all daily wage earners, and they have put up huts and residing there. The petitioners have given their objections dated 14.04.2021. Without conducting any enquiry, the respondent has passed the impugned order.

4.In the light of the above, we direct the respondent to fix the date of hearing to hear the petitioners or their authoritative representatives and during the hearing, the petitioners shall produce the documents through which they claim that they are entitled to reside in the said land. It is stated that the petitioners have also raised the jurisdiction of the respondent to issue the notice as an issue. This point can also be canvassed before the respondent. The respondent shall conduct an enquiry preferably not later than 26.07.2021, afford opportunity of hearing to the petitioners and pass a reasoned order on merits and in accordance with law. Till then, the status quo prevailing as on today (05.07.2021) shall be maintained.

5.These Writ Petitions stand disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are 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 Executive Officer,
Kottaiyur Special Grade Town Panchayat,
Sivagangai District.

W.P. (MD) Nos.11106 to 11108 of 2021
05.07.2021

ns (CO)
TR(14.07.2021) 3P 2C