



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.11257 of 2021

and

W.M.P (MD) .No.8790 of 2021

Arunkumar

.. Petitioner

Vs

The Executive Officer,
Kottaiyur Town Panchayat,
Sivagangai District.

... Respondent

PRAYER: 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 quash the same and consequentially forbearing the respondents from interfering with the peaceful possession and enjoyment of the property in Door No.1/4-18, Valayar North Street, Vasanthamalgai, Kottaiyur, Karaikudi Taluk, Sivagangai District.

For Petitioner

: Mr.J.Anand Kumar

For respondent

: Mr.P.Supparaj

ORDER

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

Heard Mr.J.Anand Kumar, learned counsel appearing for the petitioner and Mr.P.Supparaj, learned counsel appearing for the respondent.

2. Identical impugned orders were tested for its correctness in W.P(MD).Nos.11106 to 11108 of 2021 and the writ petitions were disposed of by order dated 05.07.2021. The operative portion of the order reads as follows:

"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."

3. Following the above order, there shall be a direction to the respondent to fix the date of hearing to hear the petitioner or his authoritative representative and during the hearing, the petitioner shall produce the documents through which they claim that they are entitled to reside in the said land. It is stated that the petitioner has 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 29.07.2021, afford opportunity of hearing to the petitioner and pass a reasoned order on merits and in accordance with law. Till then, the status quo prevailing as on today (08.07.2021) shall be maintained.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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Note :

1. 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 Town Panchayat,
Sivagangai District.

W.P. (MD) No.11257 of 2021

08.07.2021

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