



WEB COPY

W.P./MD/Nos.11958 to 11961 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.11958 to 11961 of 2021

and

W.M.P. (MD) Nos.9377 to 9380 of 2021

M.Chinnasamy	:	Petitioner in W.P.[MD]No.11958/21
P.Chinnan	:	Petitioner in W.P.[MD]No.11959/21
M.Pethanan	:	Petitioner in W.P.[MD]No.11960/21
M.Thirumal	:	Petitioner in W.P.[MD]No.11961/21

Vs.

1.The District Collector,
Madurai District.

2.The Block Development Officer,
(Village Panchayat),
Sedapatti, Madurai District.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

: Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writs of Certiorarified Mandamus, calling for the records of the impugned notice issued by the third respondent dated 15.06.2021 and quash the same and forbearing the respondents, their men or agent or anybody else authorized on their behalf from evicting the petitioners from the peaceful enjoyment of the House property situated in the survey No.76, T.Meenakshipuram Village.

For Petitioner : Mr.R.Saravanan

For Respondent Nos.1 to 3 : Mr.A.K.Manickam
Standing Counsel for Government
[In all Writ Petitions]

COMMON ORDER

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

With the consent on either side, this Writ Petition itself is taken up for final disposal.

2.We have heard Mr.R.Saravanan, learned Counsel appearing for the petitioner and Mr.A.K.Manickam, learned Counsel appearing for the respondents.



the respondents.

3. These writ petitions have been filed challenging the notices of eviction issued under Section 6 of the Tamil Nadu Land Encroachments Act, 1905 ['the Act', for brevity]. Unfortunately, the third respondent has not noted that before an order is passed under Section 6 of the Act, it should be proceeded with a notice under Section 7 of the Act, clearly indicating as to the classification of the land and as to how the petitioners are proposed to be treated as an encroachers. It is thereafter the alleged encroachers are entitled to give their objections, after which, the authorities should consider the objections and take action in accordance with law. However, this elementary principle has not been followed in the instant cases. This would be sufficient to set aside the impugned proceedings.

4. Accordingly, the Writ Petitions are disposed of and the impugned orders are quashed and the third respondent is directed to issue notices under Section 7 of the Act, clearly indicating as to the classification of the land, the extent of the land, the boundaries, the nature of encroachment and give 15 days time to the petitioners to submit their objections. On receipt of the objections, the third respondent shall consider the same and proceed to take action in accordance with law. In the event, the petitioners do not submit their objections within fifteen [15] days, the third respondent is entitled to proceed further under the provisions of the Act for eviction. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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,
Madurai District.



2.The Block Development Officer,
(Village Panchayat),
Sedapatti, Madurai District.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

+4 CC to M/s.R.SARAVANAN, Advocate (SR-23015[F] dated 16/07/2021)
W.P. [MD]Nos.11958 to 11961 of 2021

16.07.2021

RD(26.07.2021) 3P 8C