



WEB COPY

W.P.(MD)No.12632 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.12632 of 2021

and

W.M.P (MD) .No.9856 of 2021

Nallammal

.. Petitioner

Vs

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Ponnamaravathi Taluk Office,
Ponnamaravathi,
Pudukottai District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari Mandamus, to call for the records and quash the impugned order issued by the second respondent in Na.Ka.No./2021/A9 dated 25.06.2021 and quash the same and consequently direct the first respondent to consider the issuance of patta to the petitioner based on petitioner's possession and enjoyment of natham survey number 49/1 of Konnaiyur Revenue Village, Amman Kovil Street, Koppanapatti, Konnaiyur, Ponnamaravathi Taluk, Pudukottai District.

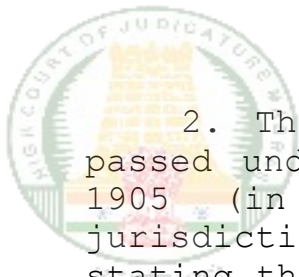
For Petitioner : Mr.K.K.Ramakrishnan

For respondents : Mr.R.Baskaran,
Standing Counsel for Government

ORDER

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

We have heard Mr.K.K.Ramakrishnan, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Government Counsel appearing for the respondents.



2. This writ petition has been filed challenging the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (in short "the Act"). The petitioner questions the jurisdiction of the respondent-Tahsildar, who issued the notice stating that the land belongs to the temple.

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3. The petitioner would further state that earlier the temple issued a notice for eviction, for which, the petitioner appears to have sent objection questioning the jurisdiction of the temple Authorities, who issued notice and thereafter, no action was initiated by the temple Authorities and action has been initiated by the Tahsildar under the provisions of the Act.

4. All issues can be raised by the petitioner by filing his objection. We find that the notice under Section 7 was issued on 16.02.2021 and on 25.02.2021, the order under Section 6 has been passed. Thus, it appears that the petitioner did not have adequate opportunity and reasonable time to submit his objections.

5. Therefore, we dispose of this writ petition by directing the writ petitioner to treat the impugned order under Section 6 of the Act, as a show cause notice and submit his objections within a period of seven days from the date of receipt of a copy of this order. Thereafter, the Tahsildar, Ponnamaravathi, shall enquire into the matter and pass a speaking order on merits and in accordance with law. If it is found that there is any encroachment, then action should be taken for removal of encroachment.

6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

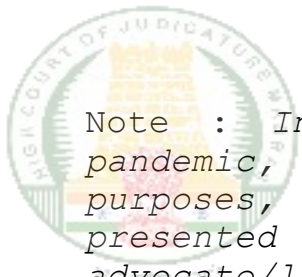
Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

pkn



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.

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To:

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Tahsildar,
Ponnamaravathi Taluk Office,
Ponnamaravathi,
Pudukottai District.

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and

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