



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P(MD)No.13874 of 2021

and

W.M.P(MD)No.10832 of 2021

G.Josephine

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
Alangulam Taluk,
Tenkasi District.

3.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

... Respondents

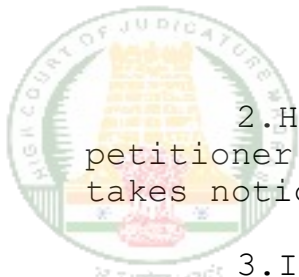
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent pertaining to its order bearing Na.Ka.No.A2/1682/2021, dated 14.07.2021 and to quash the same and consequently direct the respondents 1 and 2 to grant patta to the petitioner to an extent of 120 square feet comprised in Survey No.490/30, Grama Natham Poramboke, Andipatti Village, Alangulam Taluk, Tenkasi Taluk.

For Petitioner	: Mr.S.Sivakumar
For Respondents	: Mr.B.Saravanan Government Advocate

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner is before this Court challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, alleging that the petitioner has encroached upon the property to an extent of 0.07.81 hectares, namely, 120 square meter comprised in Survey No.490/30, Grama Natham Poramboke, Andipatti Village, Alangulam Taluk, Tenkasi Taluk, by putting up Asbestos for the purpose of having cattle shed.



2.Heard Mr.S.Sivakumar, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Government Advocate, who takes notice on behalf of the respondents.

3.It is evident from the impugned notice dated 14.07.2021, it is only a show-cause notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and after receiving reply only final order will be passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

4.It is alleged that the petitioner has already given a reply on 26.07.2021 to the respondents.

5.In view of that, the second respondent/the Tahsildar, Alangulam is directed to give an opportunity of hearing to the petitioner and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. Till the order is passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner's possession shall not be disturbed.

6.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Tenkasi District,
Tenkasi.
- 2.The Tahsildar,
Alangulam Taluk,
Tenkasi District.



3.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-25836[F] dated 10/08/2021)

+1 CC to M/s.Special Government Pleader (SR-25883[F] dated
11/08/2021)

W.P (MD) No.13874 of 2021
10.08.2021

RS (23.08.2021) 3P 6C