



WEB COPY

W.P(MD)No.17900 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17900 of 2021

and

W.M.P(MD)No.14766 of 2021

Krishnan

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The District Revenue Officer,
Trichy District, Trichy.

3.The Revenue Divisional Officer,
Srirangam Division,
Vannankovil, Navalur Kuttapattu Post,
Trichy - Dindigul National Highway,
Trichy District.

4.The Tahsildar,
Marungapuri Taluk,
Kallupatti Post,
Trichy District.

5.Jeyaprakash

6.The Revenue Inspector,
Thuvarankurichi Firka,
Marungapuri Taluk,
Trichy District.

7.N.T.Varadharajan

8.N.T.Ramasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the fourth respondent from taking any action including the removal of the alleged encroachment in pursuant to the undated notice issued to the petitioner under Section 7 of the Land Encroachment Act, without passing any orders under Section 6 of the Land Encroachment Act and to provide sufficient opportunity to the petitioner.

For Petitioner

: Mr.M.Saravanan

For RR 1 to 4 and 6

: Mr.B.Saravanan

Government Advocate



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, forbearing the fourth respondent from taking any action including the removal of the alleged encroachment in pursuant to the undated notice issued to the petitioner under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, without passing any orders under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and to provide sufficient opportunity to the petitioner.

2.Mr.M.Saravanan, learned counsel appearing for the petitioner submitted that the fourth respondent Tahsildar has not passed any order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, so far, however, inspite of the same, the official respondents are taking steps to evict the petitioner from the property in dispute.

3.Mr.B.Saravanan, learned Government Advocate taking notice for the respondents 1 to 4 and 6 also submitted that the fourth respondent has not passed any order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, so far.

4.Since it is settled law that the alleged encroachers can be evicted form the property in dispute only after passing an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the action taken by the official respondents for removing the encroachment made by the petitioner is against the settled position of law.

5.In these circumstances, the petitioner is directed to give his reply to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, within a period of ten days from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent is directed to pass an order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, within a period of three weeks thereafter. Till such time, the official respondents are directed to maintain status quo.

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

Sd/-

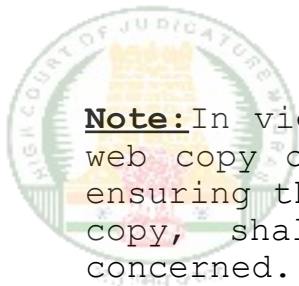
Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



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,
Trichy District, Trichy.
- 2.The District Revenue Officer,
Trichy District, Trichy.
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Vannankovil, Navalur Kuttapattu Post,
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- 4.The Tahsildar,
Marungapuri Taluk,
Kallupatti Post,
Trichy District.
- 5.The Revenue Inspector,
Thuvarankurichi Firka,
Marungapuri Taluk,
Trichy District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-30648[F] dated 29/09/2021)

+1 CC to M/s.SPL.GP (SR-30955[F] dated 01/10/2021)

W.P (MD) No.17900 of 2021
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NSN(CO)/RS (07.10.2021) 3P 8C