



WEB COPY

W.P(MD)NO.18225 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.10.2021**
CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**W.P(MD)NO.18225 of 2021
and
W.M.P(MD)Nos.15058 and 15060 of 2021**

Santhana Packiam : Petitioner
vs.

1.The State, represented by
The District Collector,
Trichirappalli,

2.The Tahsildar,
Thuraiyur,
Trichy District.

3.Selvam,
Tahsildar,
Thuraiyur,
Trichy District.

4.The Revenue Inspector,
Taluk Office,
Thuraiyur,
Trichy District.

5.The Village Administrative Officer,
Chithiraipatti,
Thuraiyur,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent's official communication, dated 26.09.2021 and to quash the same and consequently to direct the respondents 1 to 3 not to evict the petitioner from the Natham property comprised in S.F.No.266/41 measuring 13.80 sq.mts situated at Chithiraipatti Village, Thuraiyur Taluk, Trichy District.

For Petitioner : Mr.V.Singan

For Respondents : Mr.B.Saravanan

Government Advocate



O R D E R

[Order of the Court was made by **M.DURAISWAMY., J.**]

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the fourth respondent's official communication, dated 26.09.2021 and to quash the same and consequently to direct the respondents 1 to 3 not to evict the petitioner from the Natham property comprised in S.F.No.266/41, measuring an extent 13.80 sq.mts situated at Chithiraipatti Village, Thuraiyur Taluk, Trichy District.

2.The petitioner has challenged the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, in the present Writ Petition. The notice issued under Section 7 of the 'Act' is only a show-cause notice, which cannot be challenged by the petitioner. The petitioner has to give her reply to the notice and after considering the reply to be given by the petitioner, the authority shall pass orders under Section 6 of the 'Act'.

3.Mr.V.Singan, learned Counsel appearing for the petitioner submitted that the fourth respondent has no jurisdiction to issue the notice under Section 7 of the 'Act'. If the petitioner raises the jurisdictional issue in her reply, the same would be considered by the authority, while passing an order under Section 6 of the 'Act'.

4.In such view of the matter, we are not inclined to entertain the present Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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,
Trichirappalli,

2.The Tahsildar,
Thuraiyur,
Trichy District.

3.Selvam,
Tahsildar,
Thuraiyur,
Trichy District.

4.The Revenue Inspector,
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Trichy District.

5.The Village Administrative Officer,
Chithiraiipatti,
Thuraiyur,
Trichy District.

+1 CC to M/s.SPL.GP (SR-31520[F] dated 07/10/2021)

W.P (MD) NO.18225 of 2021

and

W.M.P (MD) Nos.15058 and

15060 of 2021

06.10.2021

RD(22.10.2021) 3P 7C