



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.NO.11922 OF 2022
AND
W.M.P.NOS.11337 & 11338 OF 2022

K.Ramachandran

... Petitioner

.Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Villupuram,
Villupuram District.
3. The Block Development Officer,
Kandamangalam Union,
Villupuram.
4. The President,
Krishanpuram Panchayat Union,
Pa.Nathamedu Village,
Kandamangalam Post,
Villupuram District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned notice dated 09.04.2022 and consequential notice dated 27.04.2022 passed by the 2nd respondent and quash the same as such it is without jurisdiction and invoking of the land encroachment act in respect of Natham land is illegal unconstitutional and against the law declared by this Honble Court.



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For Petitioner : M/s.G.V.Seetha Lekshmi
For Respondents : Mr.J.Raveendran
1 to 4 Additional Advocate General
For Mr.A.Selvendran
Special Government Pleader

O R D E R

(Order of the Court was made by R.MAHADEVAN, J.)

The challenge made in this writ petition is to the notice dated 09.04.2022 and consequential notice dated 27.04.2022 issued by the second respondent and quash the same.

2. It is the case of the petitioner that he is in occupation of the land situated in S.No.632/8 bearing No.107, Krishnapuram, Nathamedu Village, Thukanam Pakkam Post, Kandamangalam Panchayat Union, Villupuram District. As per the interim order granted in WP.No.314 of 2014, the petitioner has been in peaceful possession and enjoyment of the subject land, without any disturbance and on 15.11.2016, the said writ petition came to be dismissed as withdrawn. Now, the grievance of the petitioner is that the second respondent issued a notice dated 09.04.2022 under section 7(3) of the Tamil Nadu Land Encroachment Act, 1905, without any jurisdiction; the petitioner duly submitted his objections on 13.04.2022 by way of representation, stating inter alia that the subject land was classified as 'natham' and hence, the same cannot be brought under the purview of the Land Encroachment Act, which was not considered and consequently, the second respondent issued another notice dated 27.04.2022, invoking section 6(3) of the Act. Finding no other option, the petitioner is before this court with the aforesaid writ petition.

3. The learned counsel for the petitioner, during the course of hearing, pointed out that the petitioner expressed his objections to the notices impugned herein by submitted a representation dated 13.04.2022 and hence, it would suffice, if a direction is given to the second respondent to dispose of the same, within a time frame to be stipulated by this court.

4. Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.A.Selvendran, learned Special Government Pleader, taking notice for the respondents, has no serious objection for granting such relief to the petitioner.



5. Taking note of the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, the second respondent is directed to consider the objections/representation dated 13.04.2022 submitted by the petitioner and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

KST/RPP

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Villupuram,
Villupuram District.
3. The Block Development Officer,
Kandamangalam Union,
Villupuram.
4. The President,
Krishanpuram Panchayat Union,
Pa.Nathamedu Village,
Kandamangalam Post,
Villupuram District.

+1cc to M/s.G.V.Seetha Lekshmi, Advocate, S.R.No.31065
+1cc to the Government Pleader, S.R.No.31194

W.P.NO.11922 OF 2022

JPL(CO)
PBS/25/05/2022