



W.P.No.30767 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.30767 of 2022

G.Selvaraj

.. Petitioner

vs

1.The District Collector,
Tiruvannamalai,
Tiruvannamalai District.

2.The Tahsildar,
Chettupattu,
Tiruvannamalai District.

3.The Revenue Inspector,
Nedungunam,
Tiruvannamalai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents to take further steps to evict the petitioner from the land bearing S.No.379/1A, patta no.793 measuring an extent of 0.0120 Sq. Mt. or 1300 Sq. Ft. in Nedungunam Village, Chettupettu Taluk, Tiruvannamalai District and to direct the respondents to conduct the personal enquiry upon the petitioner reply/objection sent on 23.09.2022.



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For the Petitioner : Mr.K.Thirunavukkarasu

For the Respondents : Mr.A.Selvendran
Spl. Government Pleader

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

G.Selvaraj, son of Govindasamy, a resident of Senthamangalam, Nedungunam, Tiruvannamalai, has filed the writ petition seeking issuance of a writ of mandamus forbearing the respondents from evicting the petitioner from the land bearing S.No.379/1A measuring an extent of 0.0120 sq. mt. (1300 sq. ft.) situated at Nedungunam Village, Chettupettu Taluk, Tiruvannamalai District and to direct the respondents to consider the reply/objection dated 23.9.2022 given by the petitioner.

2. Learned counsel appearing for the petitioner, by referring to the patta issued by the Taluk Deputy Inspector, office of the Tahsildar, Chetpet, submitted that the land in question is a patta land and ignoring the same, the second respondent has issued the impugned notice under Section 7 of the Tamil Nadu Land



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Encroachment Act, 1905 [for short, "*the said Act*"] directing the petitioner to remove the encroachment said to have been made to an extent of 0.01.0 Ares. Learned counsel would submit that immediately upon receipt of the notice under Section 7 of the said Act, the petitioner has submitted his reply/objection dated 12.10.2022 to the respondent authorities stating that he has not made any encroachment on the land in question and the land in question is a patta land where he has put up construction and is residing.

3. Learned counsel further submitted that without even considering the reply/objection of the petitioner and without issuing notice under Section 6 of the said Act, the respondent authorities are trying to evict the petitioner from the land and if the petitioner is evicted/dispossessed from the land in question, he and his family members would be put to irreparable loss and damage. Therefore, a suitable direction may be issued to the respondent authorities not to evict the petitioner from the land in question.

4. At this stage, the learned Special Government Pleader appearing for the respondents submitted that the respondent



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authorities are ready to consider the reply/objection of the petitioner within a period of three weeks from the date of receipt of a copy of this order and thereafter proceed in accordance with law.

5. Considering the submissions made by learned counsel appearing on either side, we hereby direct the respondent authorities to consider and dispose of the reply/objection of the petitioner dated 12.10.2022, within a period of three weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner. If the representation given by the petitioner does not appeal to the respondent authorities, they may issue notice under Section 6 of the said Act and proceed further in accordance with law.

6. With the above observation and direction, the writ petition is disposed of. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)
18.11.2022

Index : Yes/No
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