



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD) NO.1648 OF 2022
and
W.M.P (MD) No.1428 of 2022

Arun Nivas

:Petitioner

.vs.

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Collectorate,
Tuticorin District.
- 4.The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice passed by the fourth respondent in Na.Ka.A3/3793/2021, dated 29.12.2021 and to quash the same and consequently to direct the respondents to consider the Petitioner's representation, dated 22.01.2022.

For Petitioner :Mr.R.Jagadeeswaran

For Respondents :Mr.B.Saravanan
Addl.Govt.Pleader



O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA, J)

The Petitioner has challenged the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The said notice was issued for removing the encroachment made in S.No.222 in Keezha Arasaradi Village, Ottapidaram Taluk, Thoothukudi District, to an extent of 0.35.5 hectares.

4. The Petitioner would state that it is a patta land and the copy of the patta produced by him only relates to S.Nos.105 and 226, whereas, the eviction notice was issued for S.No.222 of Keela Arasaradi Village. The statement of the Petitioner that the land belonging to him was acquired and he was given an alternative site and that he has been in enjoyment of the said property, are not supported by any document.

5. Be that as it may, for the impugned notice, the Petitioner has given a reply on 22.01.2022.

6. In view of the above, this Court, without delving into the merits of the case, directs the respondents 3 and 4 to consider the representation of the Petitioner, dated 22.01.2022 and pass appropriate orders on the same, after affording an opportunity of personal hearing to the Petitioner and other interested parties, if any, on merits and in accordance with law.

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

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsn



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 Principal Secretary to Government,
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Tuticorin District.
 - 4.The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.
- +1 CC to M/s.SPL.GP (SR-3340[F] dated 01/02/2022)

ORDER MADE IN
W.P (MD) NO.1648 OF 2022
and
W.M.P (MD) No.1428 of 2022
31.01.2022

sk (CO)
TR(11.02.2022) 3P 6C