



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM :

WEB COPY

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

W.P(MD)No.1946 of 2022

and

WMP(MD)Nos.1671 and 1673 of 2022

Marimuthu

... Petitioner

vs.

- 1) The District Collector,
Office of the District Collector,
Pudhukottai District.
- 2) The Tahsildar,
Kulathur Taluk,
Office at Keeranoor,
Pudhukkottai District.
- 3) The Revenue Inspector,
Mathur range,
Keeranoor, Kulathur Taluk,
Pudhukkottai District.
- 4) The Block Development Officer,
Union Office, Viralimalai,
Pudhukkottai District.
- 5) The President,
Lakshmanapatt Panchayat,
Lakshmanapatti Post,
Kulathur Taluk,
Pudhukkottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the 3rd respondent dated 25.01.2022 and quash the same as illegal and consequently directing the 3rd respondent not to demolish the petitioner's building which is comprised in Survey No.331/27 situated at Lakshmanapatti Village, Kulathur Taluk, Pudhukkottai District.

For Petitioner : Mr.K.Sivabalan

For R1 to R3 : Mr.P.Subbaraj

Special Government Pleader

For R4 & R5 : Mr.Gandhiraj



ORDER

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

Notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, is challenged in the writ petition, directing the petitioner to remove the encroachments namely, two of the Bathrooms and a Water Tank and a wash area which were constructed by encroaching an extent of 0.02.0 hectares in Survey No.331/27.

2. The respondent Government has classified it as Government Poramboke pathway. The impugned notice also says that under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has to remove the encroachment. Once notice under Section 7 is issued, it is only a show cause notice calling upon the noticee to submit his / her objections, then, an enquiry under Section 6(2) has to be conducted after hearing the objections. Any order passed against the petitioner is thereafter appealable under Section 10 of the Act.

3. In the case on hand, even without giving an opportunity to show cause, this eviction order is passed to remove the encroachment. Sections 7 and 6 orders are issued in a single notice. Therefore, treating the impugned notice as the show cause notice issued under Section 7, the petitioner may give his objections to the authorities within a period of two weeks from today. Thereafter, an enquiry may be conducted by the respondents after affording an opportunity of personal hearing and considering the objections that may be raised by the petitioner. Appropriate orders may be passed. Till such time, no coercive steps be taken to evict the petitioner.

4. In the light of the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1) The District Collector,
Office of the District Collector,
Pudhukottai District.



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5) The President,
Lakshmanapatt Panchayat,
Lakshmanapattio Post,
Kulathur Taluk,
Pudhukkottai District.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-3620[F] dated 02/02/2022)

+1 CC to M/s.SPL.GP (SR-3663[F] dated 02/02/2022)

W.P(MD)No.1946 of 2022

DATED : 01.02.2022

MGJ(14.02.2022) 3P 8C