



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5464 of 2022

and

W.M.P. (MD)No.4424 of 2022

WEB COPY

S.Andiyappan

... Petitioner

vs.

- 1.The District Collector,
Office of the Collectorate,
Sivagangai District, Sivagangai.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai, Sivagangai District,
- 3.The Tahsildar,
Office of the Tahsildar,
Kalayarkoil Taluk, Sivagangai District.

... Respondents

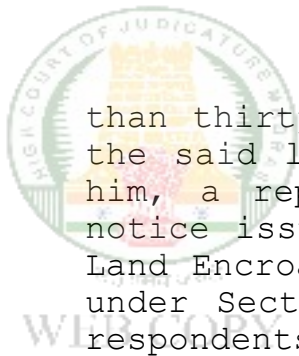
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the respondent No.3 from evicting the petitioner from the lands in Survey No.112/1 measuring 0.15.0 ares in Kurundani Variyendal Village, Kalaiyarkoil Taluk, Sivagangai District without issuing Notice under Section 6 of Tamil Nadu Land Encroachment Act 1905 within a time stipulated by this Court.

For Petitioner :Mr.Mahaboob Fazil
for Mr.T.Lajapathi Roy
For Respondents :Mr.M.Lingadurai
Special Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking to forbear the third respondent from evicting the petitioner from the lands in Survey No.112/1 measuring 0.15.0 Hectares in Kurundani Variyendal Village, Kalaiyarkoil Taluk, Sivagangai District without issuing notice under Section 6 of Tamil Nadu Land Encroachment Act 1905.

2.The apprehension raised by the petitioner in this Writ Petition is that without following the procedure established under the Tamil Nadu Land Encroachment Act 1905, the respondents are attempting to evict the petitioner. It is the contention of the petitioner that he is in possession of the subject lands for more



than thirty years. It is his case that he has also grown trees in the said lands and is also having his cattle there. According to him, a reply has been sent by the petitioner to the show cause notice issued by the respondents under Section 7 of the Tamil Nadu Land Encroachment Act 1905. However, without passing a final order under Section 6 of the Tamil Nadu Land Encroachment Act 1905, the respondents are attempting to dispossess the petitioner. It is his contention that he has also been issued with 2C patta for the subject land.

3. There is no doubt that the procedure contemplated under the Tamil Nadu Land Encroachment Act 1905, for evicting the encroachers will have to be necessarily followed by the respondents. The learned Additional Government Pleader appearing for the respondents also submits the same. The petitioner is also satisfied, if a direction is issued by this Court that the respondents shall strictly adhere to the procedures contemplated under the Tamil Nadu Land Encroachment Act 1905, to evict the petitioner. No prejudice will be caused to the respondents, if such a direction is issued by this Court.

4. Accordingly, this Court directs the respondents to strictly follow the procedures contemplated under the Tamil Nadu Land Encroachment Act 1905, for evicting the petitioner.

5. With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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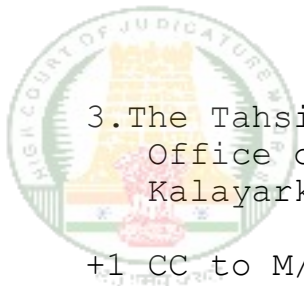
/ /2022

Sub Assistant Registrar (CS)

cmr

To

1. The District Collector,
Office of the Collectorate,
Sivagnagai District, Sivagangai.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai, Sivagangai District.



3.The Tahsildar,
Office of the Tahsildar,
Kalayarkoil Taluk, Sivagangai District.

+1 CC to M/s.SPL GP (SR-15318[F] dated 30/03/2022)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15222[F] dated 30/03/2022)

W.P. (MD)No.5464 of 2022
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RK(04/04/2022) 3P 6C