



W.P.(MD)Nos.15283 and 15284 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2022

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)Nos.15283 and 15284 of 2022
and
W.M.P.(MD)Nos.10941 and 10942 of 2022

W.P.(MD)No.15283 of 2022:-

A.Mayan

... Petitioner

Vs.

1.The District Forest Officer,
Madurai Forest Division,
Madurai, Madurai District.

2.The Forest Ranger, Usilampatti Forest Range,
Usilampatti Taluk, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certioari to call for the impugned show cause notice on the file of the second respondent, dated 30.06.2022 issued by by him to the petitioner as encroacher and quash the same as illegal and without jurisdiction.



W.P.(MD)Nos.15283 and 15284 of 2022

W.P.(MD)No.15284 of 2022:-

M.Mariyammal

... Petitioner

Vs.

1.The District Forest Officer,
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Madurai, Madurai District.

2.The Forest Ranger, Usilampatti Forest Range,
Usilampatti Taluk, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certioari to call for the impugned show cause notice on the file of the second respondent, dated 30.06.2022 issued by by him to the petitioner as encroacher and quash the same as illegal and without jurisdiction.

For Petitioner :Mr.B.Chandran

For R1 and R2 :Mr.T.Amjad Khan

Government Advocate

(in both cases)

COMMON ORDER

(Common Order of the Court was made by **S.S.SUNDAR, J.**)

These Writ Petitions have been filed by the husband and wife challenging the impugned notices, stated to have been issued as a show cause notice under Rule 68-A of the Tamil Nadu Forest Lands (Removal of encroachments) Rules, 1981.



W.P.(MD)Nos.15283 and 15284 of 2022

2.Heard Mr.B.Chandran, learned Counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who takes notice on behalf of the respondents. By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

3.The show cause notices issued to the petitioners are bereft of any particulars, ie., the survey fields or the extent of encroachment. Though these notices are described as show cause notice, by which the petitioners were directed to submit their explanation, this Court is unable to consider the same as a proper show cause notice, which is contemplated under the relevant statute. Hence, these Writ Petitions are liable to be allowed and accordingly, allowed and the impugned show cause notices, dated 30.06.2022 are quashed.

4.The learned Government Advocate submits that the petitioners have encroached the public land and therefore, the respondents may be directed to proceed further in accordance with law. The respondents shall conduct survey after issuing notice to the petitioners or any other persons interested and after identifying the encroachment, if any, it is open to the respondents to proceed further for removal of encroachment after issuing a show cause notice giving particulars relates to encroachment. After hearing the objections of the



W.P.(MD)Nos.15283 and 15284 of 2022

petitioners in response to the show cause notice, it is open to the respondents to pass final orders and take further action for removal of encroachment. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
14.07.2022

Index : Yes / No

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To

- 1.The District Forest Officer,
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Madurai, Madurai District.
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Usilampatti Taluk, Madurai District.



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

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W.P(MD)Nos.15283 and 15284 of 2022

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