



W.P.(MD)No.16092 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM:

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

W.P.(MD)No.16092 of 2022  
and W.M.P.(MD) No.11633 of 2022

Dhanasekar

... Petitioner

Vs.

1.The Tahsildar,  
Thiruppuvanam Taluk Office,  
Thiruppuvanam,  
Sivagangai District.

2.The Revenue Inspector,  
Kondhagai,  
Thiruppuvanam Taluk,  
Sivagangai District.

3.The Block Development Officer,  
Thiruppuvanam Union,  
Thiruppuvanam Taluk,  
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned proceedings issued by the 2<sup>nd</sup> respondent dated 13.07.2022 and quash the same as illegal.

For Petitioner

: Mr.C.Jeganathan



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W.P.(MD)No.16092 of 2022

For Respondents 1 & 2 : Mr.S.P.Maharajan  
Special Government Pleader

For 3<sup>rd</sup> Respondent : Mr.J.Ashok  
Additional Government Pleader

\* \* \*

### **ORDER**

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

Challenging the show cause notice issued under Section 7 of Tamil Nadu Land Encroachment Act, 1905, by the Revenue Inspector – second respondent, the above Writ Petition has been filed.

2. Heard Mr.C.Jeganathan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.J.Ashok, learned Additional Government Pleader, who accepts notice on behalf of the third respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner is in occupation of the land, by putting up construction, for a long time and that the show cause notice was issued to the petitioner, thereby



W.P.(MD)No.16092 of 2022

the petitioner was asked to appear before the issuing authority or the Collector within a period of two days. The petitioner has admitted that he does not hold patta for the land. As per the impugned notice by the Revenue Inspector, it is seen that the encroachment is in respect of a cart track.

4. Having regard to the grievance expressed by the petitioner, this Court is of the view that the impugned notice does not provide sufficient time to the petitioner to respond to the show cause notice which is unfair. Hence, this Writ Petition is disposed of with the following directions:-

4.1 The impugned notice issued under Section 7 of Tamil Nadu Land Encroachment Act, 1905, may be treated as notice under Section 7 of Tamil Nadu Land Encroachment Act, 1905, thereby calling upon the petitioner to appear before the Tahsildar within 15 days from the date of receipt of a copy of this order.

4.2 The petitioner is directed to submit his representation and objections to the notice within 15 days from the date of receipt of a copy of this order.

4.3 The Tahsildar, namely, the first respondent is directed to consider the objections / representation of the petitioner



W.P.(MD)No.16092 of 2022

and pass orders under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. If necessary, and depending upon the outcome of the proceedings, the first respondent is directed to proceed to take action so as to take physical possession of the land forthwith, if the petitioner is found to be in encroachment of cart track or public pathway or Government poramboke land.

No costs. Consequently, connected Miscellaneous Petition is closed.

**[S.S.R., J.] [S.S.Y., J.]**  
**22.07.2022**

Index : Yes / No  
sj

To

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W.P.(MD)No.16092 of 2022

**S.S.SUNDAR, J.**

and

**S.SRIMATHY, J.**

sj

W.P(MD)No.16092 of 2022

22.07.2022