



W.P.(MD) No.22850 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22850 of 2022
and W.M.P.(MD)No.16972 of 2022

C.Vairambaal

... Petitioner

-Vs-

- 1.The District Collector,
Office of the Collectorate,
Thanjavur.
- 2.District Revenue Officer,
Office of District Revenue Officer,
Thanjavur.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thanjavur.
- 4.The Tahsildar,
Office of the Tahsildar,
Orathanadu,
Thanjavur.

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5. The Revenue Inspector,
Thondarampattu Saragam,
Orathanadu Taluk,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records on the file of the 4th respondent vide his proceedings in Na.Ka.7541/2018/Aa2 dated 10.08.2022 and consequential order of notice for eviction issued by the 5th respondent dated 16.09.2022 and quash the same as illegal and consequently directing the respondents 4 and 5 to inspect the property and to grant patta in respect of the property to an extent of 0.04.0 ares situated in S.F. No.18/1B Vedhavijayapuram Village, Orathanadu Taluk, Thanjavur District as per the direction given by the 2nd respondent after giving opportunities to the necessary parties within a time.

For Petitioner : Mr.V.Sujatha

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the order of the 4th respondent vide his proceedings in Na.Ka.7541/2018/Aa2, dated 10.08.2022 and the consequential show cause

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notice issued by the 5th respondent dated 16.09.2022, the petitioner has filed this Writ Petition.

2. The learned counsel appearing for the petitioner submitted that considering the nature and possession of the subject property, the second respondent vide his proceedings dated 14.07.1997, has issued patta in favour of the petitioner. Thereafter, on an application filed by one Kasilingam, seeking to issue patta in respect of the subject property, a joint patta was issued and as against the same, the petitioner filed a revision before the second respondent. The second respondent, vide order dated 28.09.2015, cancelled the said joint patta and directed the third respondent to inspect the property and then grant patta. However, without conducting any inspection, the present impugned orders have been passed and hence, the same are liable to be set aside.

3. The learned Additional Government Pleader appearing for the respondents submitted that calling upon the petitioner to show cause why she should not be proceeded with under Section 6 of the Tamil Nadu Land

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Encroachment Act, 1905 (hereinafter referred to as 'the Act') and requiring to give her objections to the fifth respondent, the impugned notice dated 16.09.2022 has been issued to the petitioner. However, without filing any objections to the impugned notice, the petitioner has approached this Court and therefore, this Writ Petition is liable to be dismissed.

4. At this juncture, the learned counsel for the petitioner seeks liberty to the petitioner to file her objection to the impugned notice dated 16.09.2022 and after receipt of the same, necessary orders may be passed by the respondents.

5. In view of the above submission, the petitioner is directed to file her objection / reply to the impugned notice dated 16.09.2022 before the authorities concerned, along with all the supporting materials, within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the authorities concerned shall consider the same and if it is not satisfactory, then conduct a proper enquiry and thereafter, shall pass orders for eviction of encroachment, if any, by due process of law within a period of four (4) weeks



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thereafter. Till such time, *status quo* prevailing as on date shall be maintained by both parties.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]
24.11.2022

Index : Yes / No

Internet : Yes / No

VSM

To

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AND

J.SATHYA NARAYANA PRASAD, J.

VSM

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thanjavur.

4.The Tahsildar,
Office of the Tahsildar,
Orathanadu,
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5.The Revenue Inspector,
Thondarampattu Saragam,
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