



W.P.(MD) Nos.22681 to 22683 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)Nos.22681 to 22683 of 2022

and

W.M.P.(MD)Nos.16838, 16840 and 16841 of 2022

Andavan	... Petitioner in W.P.(MD)No.22681 of 2022
Ponraj	... Petitioner in W.P.(MD)No.22682 of 2022
Sivakami	... Petitioner in W.P.(MD)No.22683 of 2022

-Vs-

1.The District Collector,
O/o. The District Collector,
Karur District.

2.The Tahsildar,
O/o. The Tahsildar,
Aravakurichi Taluk, Karur District.

... Respondents
in all Writ Petitions

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the

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impugned show cause notice passed by the 2nd respondent in No.A1/3190/2022, dated 20.09.2022, 07.09.2022 and 20.09.2022 respectively, in respect of the property of Shop in Survey No.273/3, to an extent of 150 Square Feet, 2700 Square Feet and 150 Square Feet in Door Nos.230, 232 and 235 respectively, Anna Nagar, Velambadi Village, Aravakurichi Taluk, Karur District and quash the same as illegal and consequently, to forbear the respondents from interfering with peaceful possession and enjoyment of the subject property.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.N.GA.Nataraj,
Government Advocate
(in all Writ Petitions)

COMMON ORDER

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

Challenging the eviction notices dated 20.09.2022, 07.09.2022 and 20.09.2022 issued by the 2nd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, these Writ Petitions have been filed with a consequential direction to forbear the respondents from interfering with peaceful possession and enjoyment of the subject property.

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2.Today, when the matter was taken up for hearing, the learned Government Advocate for the respondents has produced the proceedings of the 2nd respondent dated 14.11.2022 in Na.Ka.A1/3190/2022 addressed to him and submitted that steps are being taken by the authorities concerned to remove the encroachment in the place in question by following due process of law.

3.At this juncture, the learned counsel for the petitioners submitted that it is suffice, if the petitioners are permitted to file appeals against the impugned notices before the authority concerned under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 with a direction to the authority concerned to dispose of the same on merits and in accordance with law, within a time frame, for which, the learned Government Advocate for the respondents is agreeable.

4.In view of the above, without going into the merits of the case, this Court permits the petitioners to file appeals under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 before the 1st respondent, within a period of two

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(2) weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent is directed to consider and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned, within a period of six (6) weeks thereafter.

5. With the above direction, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

16.11.2022

Index : Yes / No

Internet : Yes / No

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To

1. The District Collector,
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2. The Tahsildar,
O/o. The Tahsildar,
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