



W.P.(MD) No.24225 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.24225 of 2022

and

W.M.P.(MD)No.18333 of 2022

1.P.Venkatesh

2.P.Seeniraj

... Petitioners

Vs.

1.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

2.The Head Quarters Deputy Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the



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impugned order of eviction passed by 1st respondent served by 2nd respondent in Na.Ka.P1/5356/2022 dated 29.08.2022 and quash the same and consequently forbear the respondents herein, their officials, subordinates, men or agent from in any manner interfering with the peaceful possession of petitioners in Natham Survey No.384/22 situated in Kondunallanpatti Group, S.Tharaikudi Hamlet, Kadaladi Taluk, Ramanathapuram District.

For Petitioners : Mr.S.Srinivasa Raghavan

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 & R2

ORDER

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

By consent, this Writ Petition is taken up for final disposal.

2. Challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'), this Writ Petition has been filed.



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3. The learned counsel appearing for the petitioners submitted that admittedly, the proceedings under Section 7 of the Act have to be followed by calling for the objections and if such objections are not acceptable, a proper enquiry has to be conducted only then, eviction order can be passed. However, the impugned notice, on the one hand, directs the petitioners to remove the encroachment within seven days and on the other hand, directs the petitioner to appear before the Tahsildar on 09.09.2022 and give explanation as to why encroachment made by them in the said place should not be removed. According to the learned counsel for the petitioner, the impugned notice though issued under Section 7 of the Act, it also in the form of eviction notice under Section 6 of the Act, first respondent without following the procedure under the Act, has issued the impugned eviction notice and hence, it is liable to be set aside.

4. Heard the submission of the learned Special Government Pleader appearing for respondents 1 and 2 and perused the records available on record.



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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.]

vsm

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To

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