



W.P.(MD)No.24509 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.24509 of 2022

and W.M.P(MD) Nos.18582 and 18584 of 2022

Durairaj

... Petitioner

Vs.

1. The District Collector,
Dindigul, Dindigul District.

2. The District Revenue Officer,
Dindigul, Dindigul District.

3. The Revenue Divisional Officer,
Dindigul, Dindigul District.

4. The Tahsildar,
Nilakkottai Taluk Office,
Nilakkottai, Dindigul District.

5. The Block Development Officer,
Ammayanayackanur Panchayat,
Nilakkottai Taluk, Dindigul District.

6. The Executive Officer,
Ammayanayackanur Panchayath,
Dindigul District.

7. The Village Administrative Officer,



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Oruthattu Revenue Village,
Nilakottai Taluk, Dindigul District.

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8. Rajaraja Cholan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 20.10.2022 in Na.Ka.No.226/2022/A2 issued by the sixth respondent and quash the same as illegal and consequently, directing the respondents 1 to 4 to issue patta in favour of the petitioner's temple, namely, Arulmighu Sri Sonaiswamy, Sri Karuppanaswamy, Sri Veerakaliyamman, Sri Seelakariamman Temple in S.No.653/1, Oruthattu Village, Ammayanayakanur Panchayath Union, Nilakkottai Taluk, Dindigul District, based on petitioner's applications dated 04.03.2021 and 22.09.2022.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.N.GA.Nataraj
Government Advocate
for R1 to R4
Mr.P.Thilak Kumar
Government Pleader
for R5 & R6

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

Challenging the eviction notice issued under Section 6 of the Tamil Nadu Land Encroachment Act 1905, the petitioner has come forward with this writ petition.



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2. Heard Mr.R.Suriyanarayanan, learned counsel for the petitioner;

Mr.N.GA.Nataraj, learned Government Advocate appearing for the respondents 1 to 4 and Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 5 and 6.

3. Learned counsel for the petitioner submitted that the impugned eviction notice has been issued pursuant to the directions of this Court in W.P(MD) No.10938 of 2022 dated 08.06.2022. The said writ petition was filed by the eighth respondent herein to remove the encroachment pointed in the impugned eviction notice. Though, this Court, by order dated 08.06.2022, has disposed of the said writ petition directing the authorities concerned to take necessary action after affording opportunity to the writ petitioner herein and holding a proper enquiry by making a spot inspection, without doing so, the impugned eviction notice has been issued and therefore, the same is liable to be set aside on the ground of violation of the principles of natural justice.

4. Perusal of the impugned eviction notice does not reflect any opportunity given to the petitioner and holding of any enquiry prior to its issuance. Therefore, the authorities concerned are directed to conduct an enquiry and thereafter, give opportunity to the petitioner to submit his



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objections and then proceed further regarding the removal of the encroachment after considering the objections of the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

5. The writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]
27.10.2022

Internet : Yes / No
Index : Yes / No
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