



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.01.2022
CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.23170 of 2021
and
WMP (MD)No.19602 of 2021

N.S.Ramaraj

... Petitioner

vs.

- 1) The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai.
- 2) The District Collector,
Virudhunagar District.
- 3) The Tahsildar,
Office of the Tahsildar,
Rajapalayam, Virudhunagar District.
- 4) The Sub Registrar,
Rajapalayam, Virudhunagar District.
- 5) Sub-Registrar,
Srivilliputtur, Virudhunagar District.
- 6) The Divisional Engineer,
State Highways,
Pachamadam, Rajapalayam,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the notice dated 16.12.2021 in Na.Ka.A6/7002/2020 of the 3rd respondent herein and the proceedings dated 29.11.2021 in Na.Ka.A6/7002/2020 of the 3rd respondent and to quash the same.

For Petitioner : Mr.ARL.Sundaresan, Senior Counsel
for M/s.AL.Ganthimathi
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader



ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petition is directed against the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter 'the Act' for brevity]. The impugned notice states that Survey No.1661/1 in Ayankollankondan 2 Village, Rajapalayam Taluk, is a odai poromboke, in which, the petitioner has encroached upon and put up a house and raised a compound wall to an extent of 721.82 square meters. Hence, the notice is issued calling upon him to give explanation as to why he cannot be evicted from the said premises.

2. Normally, it is after giving reply by the petitioner in this regard, an enquiry will be conducted under Section 6 of the Act. Without resorting to enquiry under Section 6, the order has been passed. The petitioner without even giving response to the impugned notice, has rushed to this Court contending that all those proceedings or documents or circulars referred to in the proceedings of the Tahsildar, Rajapalayam, dated 29.11.2021 were not furnished to him and unless they are furnished, he cannot give a reply. Though the petitioner has stated in his affidavit that it is his patta land having purchased the same on 20.12.1999, there are no title deeds furnished in the typedset of papers.

3. Be that as it may, the petitioner is directed to file his explanation to the impugned notice within a period of two weeks from today, to the authorities and the authorities are directed to consider the same after affording him an opportunity of personal hearing, pass appropriate orders under Section 6. Till such time the enquiry is completed, the possession of the petitioner need not be disturbed.

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

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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To

1) The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai.

2) The District Collector,
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6) The Divisional Engineer,
State Highways,
Pachamadam, Rajapalayam,
Virudhunagar District.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-238[F] dated
04/01/2022)

+1 CC to M/s.SPL GP (SR-360[F] dated 05/01/2022)

ORDER MADE IN
W.P(MD)No.23170 of 2021
DATED : 04.01.2022

AP (19.01.2022) 3P 9C