



W.P.(MD)No.25042 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

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CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.25042 of 2022
and W.M.P.(MD) No.19145 of 2022

Sollamuthu

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

3.The Revenue Inspector,
Nanguneri Taluk,
Tirunelveli District.

4.Esakkikonar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice dated 20.09.2022 issued by the 2nd respondent and quash the same.

For Petitioner

: Mr.C.K.M.Appaji

For Respondents 1 to 3

: Mr.V.Nirmal Kumar
Government Advocate

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ORDER

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

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The petitioner has come forward with this writ petition, challenging the notice dated 20.09.2022, issued by the 2nd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard Mr.C.K.M.Appaji, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

4. Learned Government Advocate appearing for the respondents 1 to 3 submitted that there is no substance in the writ petition filed by the petitioner and the impugned notice is issued only pursuant to the order of this Court dated 04.07.2022, in



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W.P.(MD) No.14093 of 2022 and therefore, this Writ Petition is liable to be dismissed.

5. The learned counsel for the petitioner submitted that the impugned notice dated 20.09.2022 issued by the 2nd respondent is in clear violation of the principles of natural justice as the petitioner was not heard before issuing the impugned notice. He would further submit that the petitioner on his own volition will remove the encroachment made in the Government Poramboke Water Channel in Survey No.932/6, Nochikulam, Shenbagaramanallur Village, Nanguneri Taluk, Tirunelveli District within a period of four weeks and with regard to the alleged encroachment in Government Poramboke Land in Survey No.922/4, the petitioner requires four weeks time to file his objections.

6. Recording the above submissions of the learned counsel for the petitioner, this Writ Petition stands disposed of with a direction to the petitioner to remove the encroachment made by him in the Government Poramboke Water Channel in Survey No. 932/6, Nochikulam, Shenbagaramanallur Village, Nanguneri Taluk, Tirunelveli District within a period of four weeks from the date of



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receipt of a copy of this order and he is further directed to file his objections to the impugned notice dated 20.09.2022, within a period of four weeks and on receipt of the same, the second respondent is directed to consider the same, after affording an opportunity of hearing to the petitioner and any other parties concerned, and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of the objections from the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
08.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Tirunelveli District.
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and

J.SATHYA NARAYANA PRASAD, J.

sj

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