



W.P.(MD) No.25293 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.25293 of 2022

and

W.M.P.(MD)No.19392 of 2022

Irulayee

... Petitioner

-Vs-

- 1.The District Collector,
O/o.District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Usilampatti, Madurai District.
- 3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

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4.The Revenue Inspector,

Peraiyur Firka, Peraiyur Taluk,

Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice of the 4th respondent dated 27.10.2022 U/s. 7 of Tamil nadu Land Encroachment Act, 1905 and quash the same as unconstitutional and consequently, to direct the respondents to consider the petitioner's reply dated 30.10.2022 for granting a patta in respect of land in Survey No.224, Mathakkarai Village, Guruvappanayakkanpatti, Peraiyur Taluk, Madurai District, within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.P.Thilak Kumar,
Government Pleader

ORDER

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

Challenging the notice of the 4th respondent dated 27.10.2022 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, (hereinafter referred to as 'the Act'), this Writ Petition is filed with a consequential direction

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to the respondents to consider the petitioner's reply dated 30.10.2022 for granting patta in respect of the land in Survey No.224, Mathakkarai Village, Guruvappanayakkanpatti, Peraiyur Taluk, Madurai District, within a time frame.

2.The petitioner claims that on 30.10.2022, she has filed necessary objections to the notice issued under Section 7 of the Act, meeting out all the queries raised therein. However, without considering the same, the 4th respondent has directed the petitioner to remove the encroachment immediately, failing which, the same would be removed by the authorities concerned.

3.In reply, the learned Government Pleader for the respondents submitted that the objections filed by the petitioner dated 30.10.2022 will be considered purely on merits and in accordance with law and appropriate action would be taken by the authorities concerned within a time frame.

4.In view of the above, without going into the merits of the case, we direct the authorities concerned to consider the objections filed by the petitioner

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dated 30.10.2022 and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. 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.]

09.11.2022

Index : Yes / No

Internet : Yes / No

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To

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