



W.P.(MD)No.25654 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

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

W.P(MD)No.25654 of 2022
and W.M.P.(MD) No.19746 of 2022

A.Kala

... Petitioner

Vs.

1.The Tahsildar,
Sankarankovil – Taluk,
Sankarankovil,
Tenkasi – District.

2.The Block Development Officer/The Commissioner,
Sankarankovil Panchayat Union,
Panchayat Union Office,
Sankarankovil, Tenkasi -District..

3.The President,
Veerasigamani Village Panchayat,
Veerasigamani,
Sankarankovil – Taluk,
Tenkasi District.

4.Arasan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned order (Arivippu Notice) of this 3rd respondent dated 01.11.2022 and quash the same as unlawfull and illegal with motive and thereby direct the respondents 1 to 3 to



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follow the contemplated provisions as per the judgment of our Hon'ble High Court full bench reported judgment in 2005(2) CTC Page 741.

For Petitioner : Mr.F.X.Eugene

For 1st Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For Respondents 2 & 3 : Mr.V.Nirmal Kumar
Additional Government Pleader

* * *

ORDER

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

The petitioner has come forward with this writ petition, challenging the impugned notice of the 3rd respondent, dated 01.11.2022, directing the petitioner to remove the encroachment in the public pathway in S.No.1139/43, Veerasigamani Village, Sankarankovil Taluk.

2. Heard Mr.F.X.Eugene, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 2 and 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4th respondent is dispensed with.

4. The petitioner has challenged the notice issued by the 3rd respondent, dated 01.11.2022, directing her to remove the encroachment in the public pathway in S.No.1139/43, Veerasigamani Village, Sankarankovil Taluk, on the ground that before asking her to remove the encroachment, she was not issued with any show cause notice as provided under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

5. The learned Government Advocate appearing for the respondents 2 and 3 fairly submitted that the third respondent has failed to issue show cause notice to the petitioner before issuing the impugned eviction notice and hence, the third respondent agrees to have the impugned notice as a show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

6. In view of the above, this Court directs the petitioner to treat the impugned notice, dated 01.11.2022, as a



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notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, and give her objections for the same within two weeks from the date of receipt of a copy of this order. Thereafter, the third respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law. After considering the objections to be filed by the petitioner, if the authorities still find any encroachment in the place in question, they are directed to proceed further for removing the encroachment, after affording an opportunity of hearing to the petitioner and any other parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
11.11.2022

Internet : Yes / No
Index : Yes / No
sj



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WEB COPY

To

- 1.The Tahsildar,
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Sankarankovil,
Tenkasi – District.
- 2.The Block Development Officer/The Commissioner,
Sankarankovil Panchayat Union,
Panchayat Union Office,
Sankarankovil, Tenkasi -District..
- 3.The President,
Veerasigamani Village Panchayat,
Veerasigamani,
Sankarankovil – Taluk,
Tenkasi District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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