



W.P.(MD)No.26399 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2022

CORAM

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

W.P(MD)No.26399 of 2022
and
W.M.P.(MD) No.20577 of 2022

K.Murugan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalaiyar Kovil,
Sivagangai District.

3.The Revenue Inspector,
Kalaiyar Kovil,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the Impugned Order relating to eviction notice under Section 7 of Encroachment Act, issued by the 3rd respondent dated 25.10.2022, house situated at 51, Somanathamangalam Group, Manthadi Village, S.No.274/3, Ares 00168.



W.P.(MD)No.26399 of 2022

For Petitioner

: Mr.S.Pugalendhi

For Respondents

: Mr.S.P.Maharajan
Special Government Pleader

* * *

ORDER

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

The petitioner has come forward with this writ petition, challenging the notice dated 25.10.2022, issued by the 3rd respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard Mr.S.Pugalendhi, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submitted that 50 years ago, the Government has issued patta to the petitioner's father in Survey No.274/3, 0.04.30 Ares, situated at Manthali, Kalayar Kovil Taluk, and he was in possession and enjoyment of the same by constructing a house. After his demise,



W.P.(MD)No.26399 of 2022

the property devolved on the petitioner and his sister. On 24.02.2015, the 2nd respondent has granted patta to the petitioner's sister in Survey No.274/10, to an extent of 0.08.0 Ares. The petitioner has constructed a house in Survey No.274/3, measuring an extent of 00.168 ares, and is paying tax for the same. He also submitted a representation dated 08.10.2019, to the respondents to grant him patta. However, without considering the same, impugned notice has been issued. Hence, the Writ Petition.

4. The writ petitioner has been served with a notice dated 25.10.2022 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, by the the 3rd respondent herein. Admittedly, the notice under Section 7 of the Act of 1905 is in the form of a show cause notice and the person aggrieved has to reply to the said notice.

5. In view of the above, this Writ Petition stands disposed of with a direction to the petitioner to give his objections to the notice dated 25.10.2022, issued by the 3rd respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, along with documents, if any, within a period of three weeks from the date



W.P.(MD)No.26399 of 2022

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 within a period of eight 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.]
23.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

1.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Kalaiyar Kovil,
Sivagangai District.

3.The Revenue Inspector,
Kalaiyar Kovil,
Sivagangai District.



WEB COPY



W.P.(MD)No.26399 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

W.P(MD)No.26399 of 2022

23.11.2022