



W.P(MD)No.27852 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.27852 of 2022
and
W.M.P(MD)Nos.21941 & 21942 of 2022**

M.Saravanan

... Petitioner

VS.

The Deputy Tahsildar,
Tirupathur Taluk,
Sivagangai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorari, to call for the records relating to the impugned order issued by the respondent, dated 23.11.2022 and quash the same.

For Petitioner : Mr.R.Murali

For Respondent : Mr.M.Sarangan
Additional Government Pleader



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ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Mr.M.Sarangan, learned Additional Government Pleader takes notice for the respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

2.The petitioner has filed the present Writ Petition challenging the impugned notice, dated 23.11.2022 issued by the respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

3.According to the petitioner, the respondent has issued the impugned notice without issuing any show cause notice to him and no survey has been conducted.

4.Heard the learned counsel appearing on either side and perused the materials available on record.



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5.It is seen from the records that the respondent has issued the said notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, for the property in Survey No.887/14, Veliyathur Village, Thirupathur Taluk, which has been classified as “பாதை”, namely “the pathway”. In the aforesaid property, the petitioner has constructed a house. Though the learned counsel appearing for the petitioner stated that no survey was conducted before passing the impugned order, so far, the petitioner has not placed any material to show that the petitioner has made an explanation/objection to the aforesaid notice issued by the respondent.

6.In view of the above, this Court directs the petitioner to submit his objection before the respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to consider the objection submitted by the petitioner and shall take necessary action for removal of the encroachment, if any, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight weeks thereafter.



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6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
ps

[D.K.K.,J.] [R.V.,J.]
12.12.2022

To

The Deputy Tahsildar,
Tirupathur Taluk,
Sivagangai District.



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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.27852 of 2022

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