



W.P.No.14468 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM :

**THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
and**

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.14468 of 2023
and
W.M.P.No.13971 of 2023

Karuppudurai, M/51
S/o.Late.Alagan,
No.13/2, Kaspā,
Arikaran Valasu Village,
Dharapuram,
Tirupur District.

... Petitioner

Vs.

1.The District Collector,
Tirupur,
Tirupattur District.

2.The Revenue Tahsildar,
Dharapuram,
Tiruppur District.

3.The Revenue Inspector,
Kannivadi,
Dharapuram Circle,
Tiruppur District.

... Respondents



W.P.No.14468 of 2023

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, to issue Writ of Mandamus forbearing the Respondents from evicting the Petitioner from his property situated in S.No.1257/20 at Arikaranvalasu, Dharapuram Circle, Tiruppur District without following the due process of law under Sec 6 & 7 Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.Karan and Uday

For Respondents : Mr.A.Selvendran (for R1 to R3)
Special Government Pleader

ORDER

A.D.JAGADISH CHANDIRA.,J

and

C.SARAVANAN.,J

This Writ Petition has been filed to forbear the Respondents from evicting the Petitioner from his property situated in S.No.1257/20 at Arikaranvalasu, Dharapuram Circle, Tiruppur District, without following due process of law under Sections 6 & 7 of the Tamil Nadu Land Encroachment Act, 1905.

2.The Writ Petitioner has challenged the impugned notice issued under Sections 6 & 7 of the Tamil Nadu Land Encroachment Act, 1905, alleging that it has not specified time, within which reply has to be given and when the hearing has to be held. That apart, the Petitioner submitted that the legal notice has also been issued on 28.04.2023. It is further submitted that the



W.P.No.14468 of 2023

Petitioner has also been issued with Patta by the Revenue authorities and the Petitioner has also put up construction under Pradhan Mantri Awas Yojana Gramni Scheme. It is further submitted that unless the records were scrutinized, the Respondents would not have issued subsidy, under the aforesaid scheme to the Petitioner.

3. On the other hand, learned Special Government Pleader submitted that the Writ Petition is premature, as the Petitioner has directly approached this Court without awaiting for any orders to be passed by the Respondents. That apart, it is submitted that the Petitioner should have filed reply in person rather than issuing legal notice.

4. Having heard the learned counsel for the Petitioner and the learned Special Government Pleader, we are of the view that the Writ Petition is premature. The Petitioner has approached this Court without awaiting for orders to be passed in the impugned notice. In any event, order to be passed after due compliance of the Principle of natural justice. In view of the same, we are inclined to dispose the Writ Petition, with a direction to the respondents to pass orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, till such time, no coercive actions shall



W.P.No.14468 of 2023

be taken against the Petitioner.

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5. With the above observation, this Writ Petition stands disposed. No costs. Consequently, connected Miscellaneous Petition is closed.

(ADJCJ) (CSNJ)
04.05.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

sai/nsd



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W.P.No.14468 of 2023

To

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Tirupur,
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W.P.No.14468 of 2023

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