



WP No.23061 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.23061 of 2023

S.Manivannan : Petitioner

versus

1.The District Collector,
Tiruppur District.

2.The Revenue Inspector,
Sankarandampalayam Sub Division,
Dharapuram Taluk,
Tiruppur District

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of roder in Notice dated 06.07.2023 on the file of 2nd respondent herein and quash the same and consequently forbearing the respondents from evicting the petitioner from his land by considering the representation dated 08.07.2023.

For the Petitioner : Mr.N.Ponraj

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha, Spl.G.P.



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Ponraj, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. Learned counsel for the petitioner submits that the land bearing S.No.680/16 is a *Natham* land. The second respondent has no authority to give notice under Section 7 of the Tamil Nadu Land Encroachment Act.

3. Mr.P.Muthukumar, learned State Government Pleader submits that as per the revenue record, the land in S.No.680/16 is a *Pathai* (pathway) and the authority issuing the notice has the necessary power.

4. The petitioner has already filed a reply. The petitioner can raise all the grounds available to him in the reply. Naturally, before passing an order under Section 6, the reply given by the petitioner



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will have to be considered by the authority.

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5. As it is only a show-cause notice with disputed questions of fact, we are not inclined to entertain the writ petition.

6. With the aforesaid observation, the writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.22566 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To

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THE HON'BLE CHIEF JUSTICE
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