



W.P.No.28218 of 2021

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM :

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

AND

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

W.P.No.28218 of 2021

Prabakar Lenonraj

.. Petitioner

Vs.

1. The District Collector
O/o. District Collector
Coimbatore District.

2. The Tahsildar
Sulur, Coimbatore District.

3. The Revenue Inspector
Sulur Taluk
Coimbatore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records pertaining in notice dated 21.09.2021 issued by the third respondent consequent order dated 21.09.2020 in Na.Ka.3067/2021/A4 issued by the second respondent and quash the same.



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For the Petitioner : Mr.P.Tamilavel
For the Respondents : Mrs.R.Anitha
Special Government Pleader

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Tamilavel, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The petitioner is issued with the notice under Section 7 of the Tamil Nadu Land Encroachment Act.

3. According to learned counsel for the petitioner, the land in question is a Grama Natham land. As such, the provisions of the Tamil Nadu Land Encroachment Act would not apply.

4. Notice in question is only a show cause notice under Section 7 of the Act. The petitioner is at liberty to file his reply to the said notice. The authority is bound to consider the defence raised by the



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petitioner in his say to the show cause notice before proceeding under Section 6 of the Act.

5. In view of that, the petitioner may file his reply to the show cause notice within seven days from today. Upon receipt of the reply, the authority shall consider the grounds raised by the petitioner including the authority to issue notice under Section 7 of the Act, before taking any decision under Section 6 of the Act.

6. It is made clear that we have not considered the merits of the contentions. They are kept open.

7. The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.29815 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No
kpl



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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESSAVALU, J.

(kpl)

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