



W.P.(MD) No.8258 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.8258 of 2023
and
W.M.P.(MD) Nos.7603 and 7605 of 2023**

Pichai

... Petitioner

-VS-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Natham Taluk,
Dindigul District.

3.The Revenue Inspector,
Sendurai Circle,
Natham Taluk,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act,



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1905 dated 27.03.2023 on the file of the third respondent and quash the same as illegal and consequentially direct the second and third respondents to survey the land in S.F.Nos.739/4 and 739/6B of Sethur Village, Natham Taluk, Dindigul District and to take action in accordance with law.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

[Order of the Court was made by R. SUBRAMANIAN, J.]

The notice, submit matter of challenge, is issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. A reading of the notice shows that, fortunately, it has been worded properly as required under Section 7 of the said Act as a show cause notice. All that the petitioner has been required to do is to show cause as to why he should not be evicted from the alleged encroachment. It will be open to the petitioner to demonstrate that the entire land in his occupation belongs to him and there is no encroachment. The petitioner is permitted to submit his explanation by 19.04.2023. If the petitioner submits his explanation by 19.04.2023, the Authorised Officer will pass a reasoned order setting out the



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reasons for his conclusion that the petitioner had encroached upon the Government land. The Authorised Officer may also conduct a survey, if it is deemed necessary.

2. This Writ Petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]
12.04.2023

NCC : Yes
Index : Yes
Internet : Yes

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To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Tahsildar,
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Dindigul District.
- 3.The Revenue Inspector,
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and
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