



W.P.(MD)Nos.8478 & 8479 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.8478 & 8479 of 2023
and
W.M.P.(MD)Nos.7806, 7807 & 7808 of 2023

V.Seethaiyan ... Petitioner in W.P.(MD)No.8478 of 2023

Mariaselvam Petitioner in W.P.(MD)No.8479 of 2023

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.The Block Development Officer,
Thirupathur Panchayat Union Office,
Sivagangai District.

4.The President,
A.Thekkur Village Panchayat,
Thirupathur Taluk,
Sivagangai District.

... Respondents in both W.Ps.



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Common Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the proceedings issued by the second respondent under Section 6 of Land Encroachment Act, 1905, dated 10.02.2023 and quash the same.

For Petitioner :Mr.A.Arumugam

For Respondents :Mr.K.Bala Subramani
Special Government Pleader for R1 to R4

(in both W.Ps) : Mr.R.M.Arun Swaminathan for intervenor

COMMON ORDER

Heard the learned counsel on either side. We also heard the learned counsel for the intervenor.

2. The petitioners have been served with notices under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. It was followed by the order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. We were taken through the contents of the notices under Section 7 of the Act. Nowhere, it called upon the noticee to offer their objections. It is peremptory in nature. Therefore, the consequential order passed under Section 6 of the Act is also bad in law. There has been a clear violation of principles of natural justice. We therefore set aside the final order passed under Section 6 of the Act. Notice under Section 7 of the Act will be treated as show cause notice. The petitioners



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are given 15 days from the date of receipt of a copy of this order to offer their objections before the third respondent. The third respondent shall hold enquiry.

The intervenor also can very well associate himself in the said enquiry. The third respondent will hear the writ petitioner and Sri Meenakshi Sundareswarar, Nagara Sivan Kovil, A.Thekkur rep. by its trustee and thereafter pass final order. The petitioners will not adopt any dragging on tactics. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

3. These Writ Petitions are partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
13.04.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

rmi

To

- 1.The District Collector,
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