



W.P(MD)No.10677 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2023

CORAM

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

**W.P(MD)No.10677 of 2023
and
W.M.P(MD)No.9421 of 2023**

Chinnameenal

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.The Zonal Deputy Tahsildhar,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

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 third respondent under Section 7 of the Land Encroachment Act, 1905 dated 25.01.2023 and consequential proceedings of second respondent under Section 6 of Land Encroachment Act, 1905 dated 10.02.2023 and quash the same.



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For Petitioner : Mr.A.Arumugam
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned order passed under Section 6 of the Land Encroachment Act, 1905 primarily on the ground that the authorities have predetermined the issue even at the notice stage. We went through the contents of the notice issued under Section 7 of the Land Encroachment Act, 1905. It is peremptory and does not provide opportunity to the petitioner to show cause.

3. Hence, we set aside the final order passed under Section 6 of the Land Encroachment Act, 1905 alone. The petitioner shall treat the notice issued under Section 7 of the Land Encroachment Act, 1905 as show cause notice. The petitioner is given four weeks time from today (02.06.2023) to offer his explanation. The third respondent shall consider the same and after following due process of law pass final order. We make it clear that we have not gone into the merits of the matter.



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4. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
02.06.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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Sivagangai District.
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