



WEB COPY

W.P.(MD) No.790 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.790 of 2018
and
W.M.P.(MD) Nos.860, 861 & 862 of 2018**

P.Velu

... Petitioner

-vs-

1.The District Collector
Tirunelveli District
Tirunelveli

2.The Tahsildar
Tirunelveli-627 001

3.State Industries Promotion
Corporation of Tamil Nadu Ltd.,
rep.by its Project Officer
Sipcot Industries Growth Centre
Gangaikondan
Tirunelveli District-627 352

4.T.Ramaswamy

... Respondents



W.P.(MD) No.790 of 2018

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the proceedings of the impugned order in Na.Ka.No.A3/6721/11, dated 14.12.2017, on the file of the second respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.G.Thalaimutharasu for R3

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The relief sought for in this writ petition is to quash the notice dated 14.12.2017, issued by the second respondent, under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short, “the Act”).

2. The impugned notice was issued five years back and in view of the pendency of the present writ petition, no further action was initiated by the official respondents pursuant to the impugned notice. A notice issued under Section 7 of the Act would not provide a cause of action for filing a writ petition. The petitioner is expected to submit his objection in response to the



W.P.(MD) No.790 of 2018

WEB COPY

impugned notice and thereafter, the competent authority has to pass a final order under Section 6 of the Act.

3. Hence, fifteen days time from today is granted to the petitioner to submit his objections / explanations along with the documents, if any, to the second respondent. On receipt of the same, the second respondent is directed to consider the same and pass a final order on merits and in accordance with law, within a period of four weeks thereafter.

4. With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

07.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



W.P.(MD) No.790 of 2018

WEB COPY

To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Tirunelveli-627 001.



WEB COPY



W.P.(MD) No.790 of 2018

S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

krk

W.P.(MD) No.790 of 2018
and
W.M.P.(MD) Nos.860, 861 & 862 of
2018

07.11.2023