



W.P(MD)No.19951 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN**

W.P(MD)No.19951 of 2021

and

W.M.P(MD)Nos. 16656, 16658 & 16659 of 2021

P.Rajendran

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Sattur,
Virudhunagar District.

3.The Tahsildar,
O/o.The Tahsildar,
Rajapalayam,
Virudhunagar District.

4.The Block Development Officer,
(Panchayat Union),
Rajapalayam,
Virudhunagar District.

... Respondents



W.P(MD)No.19951 of 2021

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the recrods pertaining to the impugned order in Na.Ka.Ppi3/1156/2017 dated 21.09.2021 on the file of the respondent No.4 and quash the same as illegal and consequently, restrain the respondents from evicting the petitioner from his dwelling house in Survey No.535/A in an extent of 3 Cents situated at Door No.259/4B, North Kaliangal, Velayuthapuram, Samusigapuram, Rajapalayam Taluk, Virudhunagar District, within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For R-1 to R-4 : Mr.T.Amjad Khan,
Government Advocate

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard the learned counsel appearing on either side.

2. The learned counsel for the petitioner submits that the notice has been issued to the petitioner purportedly under Section 131 of the Tamil Nadu Panchayats Act, 1994.

3. The learned counsel for the petitioner further submits that patta has been issued in favour of the petitioner in respect of the said land. No such notice could have been issued.



W.P(MD)No.19951 of 2021

4. The learned Government Advocate appearing for the respondents submits that the said notice is issued considering the complaint of encroachment. Now, the authority would issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to the petitioner.

5. In case, notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, is issued, the petitioner will have a remedy to give a reply to the said notice along with all the documents. Naturally, before proceeding further, the respondent authority will be required to consider the reply and the documents filed by the petitioner before passing any further order.

6. With these observations, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[S.V.G., C.J.]

[K.K.R.K, J.]

29.11.2023

Index : Yes / No
Neutral Citation : Yes / No

PM



W.P(MD)No.19951 of 2021

To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Sattur,
Virudhunagar District.
- 3.The Tahsildar,
O/o.The Tahsildar,
Rajapalayam,
Virudhunagar District.
- 4.The Block Development Officer,
(Panchayat Union),
Rajapalayam,
Virudhunagar District.



WEB COPY



W.P(MD)No.19951 of 2021

THE HONOURABLE CHIEF JUSTICE
and
K.K. RAMAKRISHNAN, J.

PM

W.P(MD)No.19951 of 2021

29.11.2023