



W.P(MD)No.10680 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10680 of 2015

and

M.P(MD)No.1 of 2015

Ravichandran

... Petitioner

Vs

1.The Tahsildar,
Devakottai Extension,
Sivagangai District.

2.The Revenue Inspector,
Saruguni Firka,
Devakottai Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from taking any coercive steps of demolition of the property in Survey No.2 situated at Poodhavayal Village, Manakudi Group, Sarugani Post, Devakottai Taluk, Sivagangai District without passing any order under Section 6 of the Land Encroachment Act, by considering the representation of the petitioner dated 02.06.2015 and 24.06.2015.



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For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The only demand made by the petitioner is that without passing order under Section 6 of the Land Encroachment Act, 1905 he should not be dispossessed.

3. It is not in dispute that notice under Section 7 of the Land Encroachment Act, 1905 was already issued. As per the statutory scheme, enquiry has to be held and final order passed under section 6 of the Act. Only thereafter, action has been taken. I am certain that the respondents will adhere to due process of law. I make it clear that without passing order under Section 6 of the Land Encroachment Act, 1905, coercive steps cannot be taken.

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

06.07.2023

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



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- To
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G.R.SWAMINATHAN, J.

MGA

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