



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.19582 OF 2023
and
W.M.P(MD)No.16181 of 2023**

Madasamy

:Petitioner

.VS.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue District Officer,
Sivakasi Taluk,
Virudhunagar District.
- 4.The Tahsildar,
Sivakasi,
Virudhunagar District.
- 5.The Block Development Officer,
Vembakottai,
Virudhnagar District.

6.Karthick

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned notice in Na.Ka.A1/5822/2022, dated 22.07.2023 issued by the fourth respondent herein and to quash the same as illegal insofar as the Writ Petitioner is concerned.

For Petitioner	:Mr.A.L.Kannan
For Respondents 1 to 4	:Mr.T.Villavan Kothai Addl.Govt.Pleader
For Respondent-5	:Mr.P.Thilak Kumar Govt.Pleader

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Certiorari calling for the records relating to the impugned notice in Na.Ka.A1/5822/2022, dated 22.07.2023 issued by the fourth respondent herein and to quash the same as illegal insofar as the Writ Petitioner is concerned.

2.Mr.T.Villavan Kothai, learned Additional Government Pleader takes notice for the respondents 1 to 4 and Mr.P.Thilak Kumar, learned Government Pleader takes notice for the fifth respondent. By consent of both parties, the Writ Petition is taken up for final



disposal at the admission stage itself.

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3.The Petitioner has filed this Writ Petition challenging the notice purported to have been issued under Section 7 of the Tamil Nadu Land Encroachment Act, stating that the Petitioner is in encroachment of an extent of 1590 sq.mtr in S.NO.294/10 in Koilpatti Village. The fourth respondent has initiated proceedings under Section 7 of the Tamil Nadu Land Encroachment Act. Notice under Section 7 of the above Act is only a show-cause notice and the Petitioner also states that he has filed his objections to the said notice. It is in the said circumstances, this Court is not inclined to entertain the Writ Petition. On the objections raised by the Petitioner, it is open to the respondents concerned to consider the same and pass appropriate orders on merits and in accordance with law, after giving an opportunity of being heard to the Petitioner.

4.Therefore, preserving the right to the Petitioner to raise all the objections, this Writ Petition is disposed of. In case, if the order that is passed is adverse to the Petitioner under Section 6 of the Tamil Nadu Land Encroachment Act, it is open to the Petitioner to file an appeal under Section 10 of the Tamil Nadu Land



Encroachment Act if so advised. No costs. Consequently, connected

Miscellaneous Petition is closed..

[S.S.S.R.,J.] [D.B.C,J.]
11.08.2023

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

vsn

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue District Officer,
Sivakasi Taluk,
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Sivakasi,
Virudhunagar District.
- 5.The Block Development Officer,
Vembakottai,
Virudhnagar District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)NO.19582 OF 2023

and

W.M.P(MD)No.16181 of 2023

11.08.2023