



W.P(MD)No.20284 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.20284 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

M.Sankar

... Petitioner

vs.

1. The District Collector,
Tirunelveli District.

2. The Tahsildar,
Sankarankovil Taluk,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents not to demolish the petitioner's house bearing Door No.5/379 and brick chamber situated in Survey No.736/2A, 2B in Perumbathur Village, Sankarankovil Taluk, Tirunelveli District and evict the petitioner from the said property without following the due process of law.



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For Petitioner : Mr.R.Satish
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents not to demolish the petitioner's house bearing Door No.5/379 and brick chamber situated in Survey No.736/2A, 2B in Perumbathur Village, Sankarankovil Taluk, Tirunelveli District and not to evict the petitioner from the said property without following the due process of law.

2. Today, when the writ petition was taken up for hearing, learned Special Government Pleader appearing for the respondents submitted the prayer in this writ petition is not maintainable since the petitioner was served with Section 7 Notice under the Tamilnadu Land Encroachment Act, 1905, for which, he submitted his explanation to the authority concerned, but he has not chosen to challenge Section 7 Notice and therefore, the writ petition cannot be entertained.



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3. In view of the aforesaid submission, we are not inclined to entertain the writ petition. It is for the respondents to consider the explanation of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Needless to say that the petitioner shall submit his copy of explanation to Form 7 Notice to the respondents within a period of one week.

4. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.,J.] & [R.V.,J.]
23.01.2023

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

To

1. The District Collector,
Tirunelveli District.

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R.VIJAYAKUMAR, J.

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2. The Tahsildar,
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ORDER MADE IN
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