



W.P.(MD)No.27656 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.27656 of 2023
and W.M.P.(MD) No.23751 of 2023

Mohamed Faisal Khan

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.

3.R.Saleem Khan

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.3237/2021/A9, dated 14.10.2023, and quash the same as illegal.

For Petitioner : Mr.T.Leninkumar



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For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, issued by the Tahsildar / 2nd respondent is under challenge in the present writ proceedings.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of 3rd respondent also, notice to 3rd respondent is dispensed with.

3. The second respondent has failed to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, which is mandatory. Thus, the order passed under Section 6 of the Act is infirm.

4. Accordingly, the order impugned dated 14.10.2023, passed in Na.Ka. 3237/2021/A9, by the second respondent is set aside. The second respondent is at



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liberty to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, afresh by following the procedures and on receipt of objections, if any, from the petitioner pass further order under Section 6 of the Act and thereafter, remove the encroachments, if identified.

5. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
22.11.2023

NCC : Yes / No

Index : Yes / No

SJ

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