



W.P.(MD)No.28589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.28589 of 2023

A.Vadivel

... Petitioner

Vs.

1.The District Collector,
1st Floor, Collectorate,
Madurai,
Tamil Nadu.

2.The Thasildar,
Madurai East Taluk,
Madurai District.

3.The Village Administrative Officer,
Mangulam Village,
Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned eviction notice passed by the 2nd respondent dated 18.11.2023 and to quash the same in respect of the property as an extent of about 1076 sq. ft. at Chinna Mangulam bit II, Chinna Mangulam Village, Madurai East Taluk, Madurai District.



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For Petitioner : Mr.N.Shyllappa Kalyan

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

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

The eviction notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act' for the sake of brevity) is sought to be quashed in the present writ proceedings.

2.The learned counsel for the petitioner mainly contended that instead of seeking explanation /objection from the petitioner, the respondents have issued an order under Section 7 of the Act and therefore, the present writ petition is filed.

3.Section 7 notice is to be issued in order to provide proper opportunity to the alleged encroacher to submit his objections. Reading of the order impugned in this writ petition reveals that the authorities have decided to remove the encroachment. That being so, we are inclined to give 15 days to the petitioner to submit his objection/explanation on the notice issued under Section 7 of the Act



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and on receipt of objections, if any from the petitioner, the respondents shall issue an order under Section 6 of the Act and proceed with the removal of encroachment, if any identified.

4. With the above direction, this writ petition is disposed of. No costs.

(S.M.S., J.) & (V.L.N., J.)
05.12.2023

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