



W.P.(MD)No.28619 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.28619 of 2023

and

W.M.P.(MD)Nos.24683 and 24684 of 2023

R.Murugan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai District.

3.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

4.The Revenue Inspector,
Kokkulam Firka,
Thirumangalam Taluk,
Madurai District.

5.Udhayasuryan

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Ne.Mu.No.124/2023/A3 dated 02.05.2023 passed by the 2nd respondent and consequential impugned notice in Na.Ka.6088/2022/The1 dated 15.11.2023 on the file of the 4th respondent and quash the same as illegal and consequently direct the 4th respondent not to interfere with the petitioner's peaceful possession of the village Natham vacant land in S.No.88/10 situated at Chithalai Village, Thirumangalam Taluk, Madurai District.

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 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 the impugned notice was issued by an authority having no jurisdiction.



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3. Under the provisions of the Act, the Tashildar is the authority to issue notice under Section 7 and on receipt of objections, order under Section 6 of the Act has to be passed.

4. In the present writ petition, since the impugned order has been passed by the Revenue Inspector, the same stands set aside. The third respondent is directed to issue notice under Section 7 of the Act granting one week time to the petitioner to submit his objection/explanation, if any and on receipt of any such objection, consider the same and pass orders under Section 6 of the Act and proceed with the removal of encroachment, if any identified.

5. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

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

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

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AND

V.LAKSHMINARAYANAN, J.

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