



W.P.No.2874 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2874 of 2024

K.PE.Arumugam

.. Petitioner

Vs.

1. The District Collector
Namakkal District, Namakkal.
2. The Tahsildar
Kumarapalayam Taluk
Kumarapalayam, Namakkal District.
3. The Revenue Inspector
Pallipalayam, Kumarapalayam Taluk
Namakkal District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the entire records relating to the impugned notice issued under Section 7 of the Land Encroachment Act, 1905 by the third respondent dated 21.09.2023 and quash the same.



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For the Petitioner : Mr.C.Prakasam

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for R1 to R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.C.Prakasam, learned counsel for the petitioner and
Mr.C.Kathiravan, learned Special Government Pleader for respondents
1 to 3.

2. Learned counsel for the petitioner submits that earlier notices were issued and the name of the petitioner was not mentioned as an encroacher. Now, notice was issued, however, neither details of the nature of the land nor the area encroached are mentioned.

3. The impugned notice is a show cause notice, soliciting a reply from the petitioner. The petitioner is required to file a reply to the same.



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4. Learned counsel for the petitioner submits that the petitioner has already filed a reply to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [in short, "the Act of 1905"].

5. Naturally, before passing an order under Section 6 of the Act of 1905, the authorities will have to consider the reply filed by the petitioner and it is only after the order is passed under Section 6 of the Act of 1905, further action would be undertaken by the respondent authorities. The petitioner also has an opportunity to challenge the order passed under Section 6 of the Act of 1905 by preferring an appeal under Section 10 of the Act of 1905.

6. With these observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.3115 & 3116 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

09.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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