



W.P.No.7477 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7477 of 2024

Arul .. Petitioner

Vs.

1. The District Collector
O/o. The District Collector
Cuddalore District, Tamil Nadu.

2. The Tahsildar (Revenue)
Kurinjipadi Taluk
Cuddalore District, Tamil Nadu. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the 2nd respondent pertains to the impugned order bearing reference Na.Ka.A1/3238/2023, dated 16.11.2023 and quash the same.

For the Petitioner : Mr.P.R.Thiruneelakandan

For the Respondents: : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.P.Harish
Government Advocate



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.R.Thiruneelakandan, learned counsel for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader assisted by Mr.P.Harish, learned Government Advocate for the respondents.

2. Learned counsel for the petitioner submits that notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "the Act of 1905"] was issued on 16.11.2023 and on the very same date, the order is also passed purportedly under Section 6 of the Act of 1905.

3. When the show-cause notice under Section 7 of the Act of 1905 is issued calling for objections upto 01.12.2023, prior to that, the order under Section 6 of the Act of 1905 could not have been passed.

4. In the light of that, the impugned order is set aside. The notice issued under Section 7 of the Act of 1905 shall be construed as a show-cause notice and as reply to the same is already filed by the



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petitioner, the respondents shall consider the said reply and thereafter may proceed under Section 6 of the Act of 1905.

5. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.8375 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

21.03.2024

Index : Yes/No
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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