



WP No.14485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2024

CORAM:

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No.14485 of 2024

AND

WMP No.15753 of 2024

Mrs.Saraswathi

...Petitioner

versus

1.The District Collector,
Villupuram District,
at Villupuram.

2.The Revenue Divisional Officer,
Villupuram, Villupuram District.

3.The Tahsildar,
Vikiravandi Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus to call for the undated impugned notice issued by the third respondent under Section 6 of the Tamil



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Nadu Land Encroachment Act, 1905 in respect of S.No.550/2A of Aadhanoor Village, Vikkiravandi Taluk and Villupuram District and quash the same and forbearing the respondents from dispossessing the petitioner from the land comprised in S.No.550/2A extending to about 1/50 acres.

For the Petitioner	:Mr.R.Ganesh Kumar for Mr.E.Muralidharan
For the Respondents	:Mr.K.Karthik Jagannathan Government Advocate

ORDER

(Order of the Court was made by *SATHYA NARAYANA PRASAD, J.*)

The petitioner has filed the present writ petition for the issuance of a writ of Certiorarified Mandamus to call for the un dated impugned notice issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in respect of S.No.550/2A of Aadhanoor Village, Vikkiravandi Taluk and Villupuram District and quash the same and forbearing the respondents from dispossessing the petitioner from the land comprised in S.No.550/2A extending to about 1/50 acres.

2. The case of the petitioner is that her land is sought to be removed



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by the Government invoking Tamil Nadu Land Encroachment Act, 1905.

However, due process of law was not being followed. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submits that the third respondent has issued notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, without issuing notice under Section 7 of the said Act. Therefore, he seeks to treat the notice issued under Section 6 of the Act, as notice under Section 7 of the said Act.

4. In view of the submission made by the learned counsel for the petitioner, the eviction notice issued by the Government under Section 6 of the said Act shall be treated as notice issued under Section 7 of the Act. The petitioner is directed to file his objection/reply to the said impugned notice, within a period of four weeks from the date of receipt of a copy of this order. Based on the objection/reply given by the petitioner, the respondents are at liberty to take further action in accordance with law. The respondents shall not take coercive action till final orders are passed by the concerned



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authorities on the reply filed by the petitioner.

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5. The writ petition stands disposed of with the above directions.

There shall be no order as to costs. Consequently, WMP No.15753 of 2024 is closed.

[J.S.N.P., J.] [V.L.N., J.]
29.05.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn/gya



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and
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(mrn/gya)

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