



WP No.909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.B.Srihari

2.S.Jayasudha

: Petitioners

versus

1.The Revenue Inspector,
Saravanampatty, Coimbatore

2.The Tahsildar,
Coimbatore North

3.The Revenue Divisional Officer,
Coimbatore 641 018

4.The District Revenue Officer,
Coimbatore 641 018

5.The District Collector,
Coimbatore 641 018

6.The Commissioner of Land Administration,
Chepauk, Chennai 600005

7.The Local Planning Authority,
rep. By Member Secretary,
Tatabad, Coimbatore 641 012



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8.The Director,
Directorate of Town and Country Planning
Chennai 600107

9.Housing and Urban Development Department,
Government of Tamil Nadu,
rep. By the Housing Secretary,
Chennai 5

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the first respondent pertaining to the notice dated 04.10.2023 issued under the Land Encroachment Act (T.N.Act III of 1905) and quash the same as illegal and forbear the 1st respondent from taking any or further action against the subject property amongst the larger property located in SF Nos.369 & 370/2 of Vilankurichi Village, within the Coimbatore City Municipal Corporation Limit.

For Petitioners : Mr.V.Raghavachari,
Senior Counsel,
for Mr.K.Venkatasubban
M/s.Sarvabhauman Associates

For Respondents : Mr.C.Kathiravan,
Special Government Pleader



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.Raghavachari, Senior Counsel for the petitioners and Mr.C.Kathiravan, learned Special Government Pleader, appearing for respondents.

2. On 18.01.2024, we had passed the following order:

"The petitioner is challenging the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The said notice is a show cause notice; wherein an opportunity is given to the petitioner to file a reply. After the reply is filed by the petitioner, then the authority has to consider the said reply and pass an order under Section 6 of the Act. If an order, adverse to the interest of the petitioner, is passed under Section 6 of the Act, then the petitioner has a remedy of appeal under Section 10 of the Act."

3. Notice issued to the petitioners under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 is a show-cause notice. The learned Senior Counsel for the petitioners submits that a reply has



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already been submitted by the petitioners. The petitioners seek to file additional reply to the said notice.

4. The petitioners may file additional reply within seven days from today. If additional reply is filed, the respondent authorities shall consider the said reply before passing order under Section 6 of the Act of 1905.

5. The writ petition stands disposed of accordingly. There shall be no order as to costs. Consequently, WMP No.936 of 2024 is closed.

6. WMP No.935 of 2024 filed to permit the petitioners to file a single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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