



W.P.(MD).No.1046 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.01.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD).No.1046 of 2024
and
W.M.P.(MD).No.1051 of 2024

A.M.Thirumal

.. Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Kodaikanal.
- 3.The Revenue Inspector,
Kodaikanal.
- 4.The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records pertaining to the impugned notice issued by the 2nd respondent bearing No.Na.Ka.



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4131/2023/A2 dated 15.12.2023 and quash the same as illegal and violation of natural justice.

For Petitioner : Mr.I.Sam Jegan
For R-1 to R-3 : Mr.N.GA.Natraj
Government Advocate
For R-4 : Mr.T.S.Mohamed Mohideen

ORDER

DR.G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.

The present Writ Petition is filed challenging the impugned eviction notice issued by the second respondent dated 15.12.2023.

2. The petitioner herein is admittedly in occupation of a land unclassified. Pursuant to the directions of this Court to remove all the encroachments, the second respondent/Tahsildar, Kodaikanal had caused notice on the petitioner under Section 6 of the Land Encroachment Act, 1905, which is under challenge before this Court.



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3. The learned counsel appearing for the petitioner submits that before issuance of the notice under Section 6 of the Land Encroachment Act, opportunity ought to have been given to the petitioner under Section 7 of the Act. But, without following the procedure, the eviction notice has been issued under Section 6 of the Act.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that even prior to the directions of this Court, notice under Section 7 of the Act was issued to the petitioner herein. However, the respondents are even now ready to convert the Section 6 notice as Section 7 and willing to hear the petitioner.

5. Recording the said submission, this Court issues a direction to the petitioner to submit his explanation to the impugned notice to the second respondent within a period of seven (7) days from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the same and pass appropriate orders as per Section 6 of the Tamil Nadu Land Encroachment Act, 1905, within a period of 30 days thereafter.



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6. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(G.J.,J.) (K.K.R.K.,J.)
19.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Kodaikanal.
- 3.The Revenue Inspector,
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