



W.P.(MD) Nos.1440 and 1441 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.1440 and 1441 of 2024

and

W.M.P(MD)Nos.1478 and 1480 of 2024

and

W.M.P(MD)Nos.1484 and 1486 of 2024

E.Chinnathambi ... Petitioner in W.P(MD)No.1440 of 2024

Marimuthu ... Petitioner in W.P(MD)No.1441 of 2024

Vs.

1.The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.

2.The District Collector,
Tenkasi District. ... Respondents in both W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records of the impugned order dated 07.11.2023 on the file of the first respondent and quash the same.



W.P.(MD) Nos.1440 and 1441 of 2024

(In both W.Ps)

For Petitioner :Mr.G.Prabhu Rajadurai

For Respondents :Mr.N.Satheesh Kumar,
Additional Government Pleader

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice for the respondents.

2. The petitioners have filed these writ petitions challenging the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905(hereinafter referred to as “the Act”).

3. The grievance of the petitioners is that without issuing notice under Section 7 of the Act and without giving opportunity to the petitioners, straightaway the impugned notice under Section 6 of the Act, has been issued and therefore, the same is liable to be set aside.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that for giving opportunity to



W.P.(MD) Nos.1440 and 1441 of 2024

the petitioners, the impugned notice shall be treated as a show-cause notice under Section 7 of the Act.

5. In view of the aforesaid statement made by the learned Additional Government Pleader appearing for the respondents, we pass the following order:

(i) The impugned notice issued under Section 6 of the Act, shall be treated as a show-cause notice under Section 7 of the Act;

(ii) If there is any objection, the same shall be submitted by the petitioner before the authority concerned, within a period of two weeks from the date of receipt of a copy of this order; and

(iii) On receipt of objection from the petitioner, the authorities concerned shall consider the same and pass appropriate orders within a period of twelve weeks thereafter, after affording opportunity to all the parties concerned.



W.P.(MD) Nos.1440 and 1441 of 2024

WEB COPY With the above directions, the writ petitions are disposed of.

No Costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]

24.01.2024

Neutral Citation: Yes / No
Index : Yes / No

PM

To:

- 1.The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.
- 2.The District Collector,
Tenkasi District.



WEB COPY



W.P.(MD) Nos.1440 and 1441 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

PM

W.P.(MD)Nos.1440 and 1441 of 2024

24.01.2024