



W.P.(MD)Nos.3956 to 3987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.3956 to 3987 of 2024

and

All Connected Miscellaneous Petitions

W.P.(MD)No.3956 of 2024:

K.Arumugam

: Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Kokkirakulam,
Tirunelveli.

3.The Tahsildar,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records



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relating to the impugned proceedings dated 12.02.2024 on the file of the third respondent and quash the same.

For Petitioner : Mr.J.Bharathan
for Mr.P.Rajesh
For Respondents : Mr.S.P.Maharajan
Special Government Pleader
[In all Writ Petitions]

COMMON ORDER

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

Heard Mr.J.Bharathan, learned Counsel for Mr.P.Rajesh, learned Counsel for the petitioners and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents.

2.The petitioners have challenged the notices issued by the third respondent under Section 6 of 'the Land Encroachments Act, 1905' [hereinafter 'the Act' for brevity].

3.Learned Counsel for the petitioners would submit that the third respondent has not followed the procedures as contemplated under the Act as no notices have been issued to the petitioners under Section 7 of the Act. Further, the learned Counsel referred to the additional typed set of papers and pointed out that the Section 7 notices have been issued on 16.02.2024, only after



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the impugned Section 6 notices. Hence, he seeks to quash the impugned notices.

4.Learned Special Government Pleader appearing for the respondents on instructions would submit that subsequent to the issuance of the impugned notices, Section 7 notices have been issued and the same shall be treated as show cause notices and necessary orders may be passed.

5.In the light of the aforesaid submission made by the parties, we are inclined to pass the following order:

i) The impugned orders passed by the third respondent under Section 6 of the Act are quashed.

ii) The notices issued by the third respondent under Section 7 of the Act shall be treated as show cause notices by the petitioners and explanations be submitted by the petitioners within a period of two [2] weeks from the date of receipt of a copy of this order. The petitioners are also at liberty to raise the issue of jurisdiction.

iii) On receipt of such explanations, the third respondent is directed to consider the same and take appropriate decision and proceed further in accordance with law as early as possible, preferably within a period of twelve [12] weeks thereafter.



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6.With the aforesaid directions, the Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

19.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

COMMON ORDER MADE IN

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19.03.2024