



W.P.(MD) No.5148 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5148 of 2024

and

W.M.P.(MD)No.4929 of 2024

Senthilkumar

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Srirangam Taluk Office,
Trichy District.

3.The Revenue Inspector,
Manikandam Circle,
Srirangam Taluk,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the

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impugned order of the third respondent dated 23.12.2023 vide his proceedings No.Nil and quash the same as illegal, consequently forbearing the respondents from evicting the petitioner from his peaceful possession and enjoyment of the property in S.F.No.76/3, for an extent of 0.22.5 Hectares land situated at Kallikudi South Village, Srirangam Taluk, Trichy District without following any due process of law.

For Petitioners : Mr.K.Arunraj
For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

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

Challenging the notice issued by the third respondent, the petitioner has filed this writ petition.

2.Mr.N.Satheeshkumar, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, the property in question belongs to him.

On the allegation that no show cause notice under Section 7 of the Land Encroachment Act was not issued to the petitioner, he has filed the present writ petition.

4. Perusal of the proceedings, which is impugned in this writ petition shows that, it is notice issued under Section 7 of the Land Encroachment Act calling upon the petitioner to submit his explanation/objection, failing which necessary action will be initiated. Writ petitions filed challenging the show cause notices are not entertainable, unless such show cause notices have been issued by an incompetent authority having no jurisdiction. Hence, the writ petition filed by the petitioner on the ground that no notice was issued to the petitioner, is not at all maintainable. Therefore, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

[D.K.K., J.] & [R.V., J.]
05.03.2024

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