



W.P.(MD) No.4697 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.4697 of 2024

and

W.M.P(MD)No.4534 of 2024

M.Palani

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Virudhunagar District.
 2. The Revenue Divisional Officer,
Aruppukottai, Office of the District
Collector, Virudhunagar District.
 3. The Tahsildar
Office of Kariapatti Taluk, Kariapatti,
Virudhunagar District.
 4. The Revenue Inspector
Kariapatti, Kariapatti Taluk, Virudhunagar
District.
- Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for there cords pertaining to the impugned proceedings of the 4th Respondent in his proceedings



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bearing Tha.Pa.31/2024 dated 21.02.2024 and quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner :Mrs.K.Porkodi

For Respondents :Mr.J.Ashok,
Additional Government Pleader

ORDER

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

Mr.J.Ashok, learned Additional Government Pleader, takes notice for the respondents.

2. The petitioner has challenged the impugned notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905(hereinafter referred to as 'the Act').

3. According to the petitioner, the said impugned notice issued under Section 7 of the Act, is not in consonance with the Act and without providing an opportunity to the petitioner, the said notice is issued and therefore, the same is illegal and liable to be quashed.



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4. We have gone through the impugned notice issued by the fourth respondent under Section 7 of the Act. It shows that the said notice has been issued asking the petitioner to vacate the subject land within seven days. The said notice cannot be construed as a final notice. The same is directed to be treated as a show-cause notice.

5. Therefore, the petitioner is directed to submit his explanation/objection within a period of two weeks from the date of receipt a copy of this order. On receipt of such explanation/objection, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, after providing opportunity to all the parties concerned.

6. With the above directions, the writ petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.]

[R.V., J.]

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Neutral Citation: Yes / No

Index : Yes / No

PM



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

PM

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