



W.P.(MD) No.7531 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.7531 of 2024

and

W.M.P.(MD)Nos.6907 & 6913 of 2024

Muthupandi @ Muthupandiyan

... Petitioner

-Vs-

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai East Taluk,
Y.Othakadaai,
Madurai.

3.The Revenue Inspector,
Sakkimangalam Firka,
Madurai East Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the final order in the name of notice issued by the third respondent dated 13.03.2024 and set aside the same as illegal.

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For Petitioner : Mr.Ramanujam
for M/s.Gandhi Associates
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

This writ petition has been filed challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, the land in Survey No.260/2A, new Survey No.112/2A at Theerthakkadu, Vandiyur, Madurai East Taluk, Madurai was originally classified as “Natham Poramboke” and it was reclassified as “Adi Dravidar Natham Kudiyiruppu Paguthi” vide proceedings dated 30.03.1979. The petitioner was also issued with patta by the Special Thasildar for 1 ¼ cents for house site No.95 and the petitioner is constructing a house in that site. While so,



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the petitioner was issued with a notice under Section 7 of the Land Encroachment Act directing to remove the encroachment made in the government poramboke land. Prior to this eviction notice, no show cause notice was issued to the petitioner. Hence, petitioner is constrained to file this writ petition.

4.The learned Special Government Pleader appearing on behalf of the respondent fairly submits that prior to the eviction notice, no show cause notice was issued to the petitioners. Hence, the present eviction notice shall be treated as show cause notice and the explanation be submitted by the petitioners and the same will be considered and necessary orders will be passed.

5.In view of the above submission, this Court without going into the merits of the matter, issues the following directions:

(1)The notice issued by the third respondent dated 13.03.2024 shall be treated as a show cause notice and the petitioner shall submit his explanations/objections before the third respondent within a period of two weeks from the date of receipt of a copy of this order.

(2)on receipt of such explanations /objections, the third respondent shall consider and pass orders on its own merits and in accordance with law after



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affording an opportunity of hearing to the petitioners, within a period of eight weeks therefrom.

6.With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
26.03.2024

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

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To

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