



W.P(MD)Nos.14441 & 14442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P(MD)Nos.14441 & 14442 of 2024
and W.M.P(MD)Nos.12673, 12675, 12700 & 12701 of 2024**

H.Abdul Kareem ... Petitioner in W.P(MD)No.14441/2024
K.Durai ... Petitioner in W.P(MD)No.14442/2024
vs.

- 1.The District Collector,
O/o.District Collectorate,
Ramanathapuram District.
- 2.The Tahsildar,
Rameshwaram Taluk,
Ramanathapuram District.
- 3.The Block Development Officer,
Panchayath Union Office,
Mandapam @ Uchipuli,
Ramanathapuram District.
- 4.The Village Panchayath President,
Pamban Village Panchayath,
Rameshwaram Taluk,
Ramanathapuram District.

5.Nabiza Banu ... Respondents in both W.Ps'



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COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned notice passed by the second respondent on 10.06.2014 and quash the same.

In both W.Ps':

For Petitioner	: Mr.V.Sebastinal Preethi
For Respondents	: Mr.S.Shaji Bino Special Government Pleader for R.1 & R.2
	: Mr.N.Satheesh Kumar Additional Government Pleader for R.3 & R.4
	: Mr.P.Saravana Kumar for R.5

COMMON ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in these Writ Petitions is for a Writ of Certiorari, to quash the impugned notices issued by the second respondent, dated 10.06.2014.



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2.Regarding the land at Survey No.1098/2A49, it is the claim of the revenue Department that it is a cart track to the extent of 0.42.0 square meters at Pamban Village in Rameshwaram Taluk, Ramanathapuram District. In order to remove such encroachment, of course, pursuant to the earlier orders passed by the Court, the provisions of the Act 3 of 1905 were invoked, thereby, Section 7 notices had been issued on 10.06.2024 against the petitioners.

3.The petitioners, having receipt of the said notices, have given replies on 19.06.2024. Thereafter, so far no orders have been passed including the orders to be passed under Section 6 of the Act. Only at that juncture, the present Writ Petitions have been filed by the petitioners, challenging the Section 7 notices.

4.Heard Mr.V.Sebastinal Preethi, learned counsel appearing for the petitioners, Mr.S.Shaji Bino, learned Special Government Pleader, who accepts notice for the respondents 1 and 2, Mr.N.Satheesh Kumar, learned Additional Government Pleader, who accepts notice for the respondents 3 and 4 and Mr.P.Saravana Kumar, learned counsel, who accepts notice for the fifth respondent.



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5.Insofar as Section 7 notices which were issued by the second respondent/the Tahsildar, which are impugned herein, the petitioners can give replies, which they have already given on 19.06.2024 and copies of which have been filed before this Court in the typed set of papers. When that being so, it is open to the second respondent to consider such replies and pass further orders including the orders, if any, to be passed under Section 6 of the Act.

6.Therefore, at this juncture, the challenge that has been made by the petitioners against the notices under Section 7 of the Act, dated 10.06.2024, is unacceptable and hence, this Court is inclined to dispose of these Writ Petitions with the following orders:

'(i) That there shall be a direction to the second respondent to consider the replies given by the petitioners, dated 19.06.2024 and pass orders thereon, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.



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(ii) It is needless to mention that depending upon

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the outcome of the order to be passed by the second respondent, further course of action in accordance with law can be proceeded by the official respondents, including the second respondent.'

7. With these observations and directions, these Writ Petitions are disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[R.S.K.,J.] [G.A.M.,J.]
03.07.2024

NCC : Yes / No
Index : Yes / No
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To

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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.P(MD)Nos.14441 & 14442 of 2024

DATED : 03.07.2024