



W.P.(MD) No.21328 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.21328 of 2024
and
W.M.P.(MD)Nos.18062 and 18063 of 2024**

J.Abdul Ajees

... Petitioner

-VS-

- 1.The District Collector/Monitoring Committee,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Srirangam,
Vannankovil,
Trichy District.
- 3.The Tahsildar,
Marungapuri Taluk,
Trichy District.
- 4.The Block Development Officer,
Panchayat Union Office,
Marungapuri Taluk,
Trichy District.
- 5.The Panchayat President,
Puthanatham Village Panchayat,
Marungapuri Taluk,
Trichy District.



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6.The Revenue Inspector,
Pannappatti Zone,
Puthanatham,
Trichy District.

7.Kaja Mohaideen

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order of the 5th respondent in Notice No.2 of 2024 dated 09.08.2024 and consequential impugned Section 7 notice of the 6th respondent dated Nil, quash the same as illegal.

For Petitioner	: Mr.B.Prasanna Vioth
For Respondents 1 to 3	: Mr.S.R.A.Ramachandran Additional Government Pleader
For Respondents 4 & 5	: Mr.P.T.Thiraviyam Government Advocate

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the respondents 1 to 3. Mr.P.T.Thiraviyam, learned Government Advocate takes notice of the respondents 4 and 5. Since we are not passing any adverse order, notice to the respondents 6 and 7 is deemed unnecessary. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The undated notice under Section 7 of the Land Encroachment Act, 1905, is under challenge in this Writ Petition.



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3.A purpose of a notice under Section 7 is only to require the alleged encroacher to show cause as to why the encroachment should not be removed. The same does not visit the petitioner with any civil consequences. The petitioner could have well given a reply to the said notice and awaited orders to be passed under Section 6, before rushing to this Court at this stage.

4.Hence, we do not see any necessity to entertain the Writ Petition. It is also seen that the petitioner has given a reply to the said notice on 27.08.2024. The jurisdictional Tahsildar, namely, the Tahsildar, Marungapuri, will consider the reply of the petitioner and pass appropriate orders as per law. If the petitioner is aggrieved by the same, it is always open to the petitioner to avail of the remedies that are available to him under law.

5.Mr.B.Prasanna Vinoth, learned counsel appearing for the petitioner would further contend that the survey number, which is mentioned in the notice, is not under his occupation. The Tahsildar is therefore, required to conduct a proper survey before proceeding further.



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6.The Writ Petition is disposed of with the above observation. No costs.

Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

06.09.2024

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



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and
L.VICTORIA GOWRI, J.

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