



W.P.(MD)No.24380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.24380 of 2024

and

W.M.P.(MD)No.20701 of 2024

R.Chandhira

: Petitioner

Vs.

1.The District Revenue Officer,
District Revenue Office,
Pudukkottai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Illuppur,
Pudukkottai District.

3.The Tahsildar,
Kulathoor Taluk Office,
Kulathoor,
Pudukkottai District.



W.P.(MD)No.24380 of 2024

WEB COPY

4.The Revenue Inspector,
Narathamalai,
Kulathoor,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records pertaining to the impugned order issued by the third respondent vide his proceedings dated 18.09.2024 and quash the same as illegal.

For Petitioner : Mr.V.Selvakumar

For Respondents 1 to 4 : Mr.S.P.Maharajan

Special Government Pleader

O R D E R

[Order of the Court was made by **M.S.RAMESH, J.**]

This writ petition has been filed for a Certiorari, seeking to quash the impugned order of the third respondent dated 18.09.2024.

2.The main ground on which the order made under Section 6 of “the Tamil Nadu Land Encroachments Act,



W.P.(MD)No.24380 of 2024

1905" [hereinafter referred to as "the Act" for convenience] is challenged is that prior to issuance of the eviction order under Section 6, the notice under Section 7 was not made.

3.The learned Special Government Pleader would submit that there were earlier directions issued by this Court in W.P. (MD)Nos.10075 & 12468 of 2019 dated 12.10.2022, for removal of the encroachments, pursuant to which they had initiated action for evicting the petitioner and therefore, he fairly admitted that no notice under Section 7 was issued.

4.There is no justification on the part of the respondents in taking such a stand, in view of the fact that this Court, while passing orders earlier, had only directed the official respondents to take necessary action for removal of the encroachments by following due process of law. Section 6 of the Act mandates for issuance of a prior show cause notice under Section 7 before any order of eviction is passed. When this Court had specifically directed the authorities to follow the due process of law, it goes without saying that the show cause notice under Section 7 should have been issued before Section 6 notice. Therefore, the present impugned order cannot be legally sustained.



W.P.(MD)No.24380 of 2024

WEB COPY

5.Accordingly, the impugned order dated 18.09.2024 on the file of the third respondent is set aside. However, liberty is granted to the respondents herein to initiate eviction proceedings by following the due procedure contemplated under the Act and take further course of action by extending due opportunity to all the persons who may be interested in the subject matter.

6.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]
12.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.P.(MD)No.24380 of 2024

To

1.The District Revenue Officer,
District Revenue Office,
Pudukkottai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Illuppur,
Pudukkottai District.

3.The Tahsildar,
Kulathoor Taluk Office,
Kulathoor,
Pudukkottai District.

4.The Revenue Inspector,
Narathamalai,
Kulathoor,
Pudukkottai District.



WEB COPY



W.P.(MD)No.24380 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
W.P.(MD)No.24380 of 2024

12.11.2024