



WP(MD). No.26304 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

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THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD).No.26304 of 2024
and WMP(MD) No.22308 of 2024

U.Selvanathan,

... Petitioner

Vs

1. The District Collector,
Collectorate Office,
Sivagangai,
Sivagangai District..

2. The Tahsildar,
Sivagangai Taluk,
Sivagangai District..

3. The Head Quarters Deputy Tahsildar,,
Okkoor, Sivagangai Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice bearing no. Nil dated 24.10.2024 on the file of the 3rd respondent and quash the same as illegal and consequently direct the respondents herein to rectify the error



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made in classification, wrongly classifying the land in S.No. 247/9 of Kizhapoongudi Village, Okkoor, Sivagangai Taluk and District as pathway.

For Petitioner : Mr.R. Shankar Ganesh,

For Respondents : Mr.S.Shaji Bino
Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Challenging the impugned notice dated 24.10.2024 of the 3rd respondent and to direct the respondents herein to rectify the error made in classification, wrongly classifying the land in S.No. 247/9 of Kizhapoongudi Village, Okkoor, Sivagangai Taluk and District as pathway, the petitioner is before this Court.

3. The impugned notice is one under Section 7 of the Tamil Nadu Land Encroachment Act (hereinafter referred to as 'the Act'). It is in the



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nature of a show cause notice calling upon the recipient to tender his explanation as to why further action under Section 6 of the Act should not be initiated against him.

4. It is settled proposition that this Court exercising its power under Article 226 of the Constitution of India will not venture to interfere with the show cause notice, except for a few exceptions. The grounds raised in the present writ petition does not fall under any of these exceptions.

5. In view of the above, the writ petition is not maintainable. However, the learned counsel for the petitioner submits that he has valid grounds to respond to the notice and therefore, seeks indulgence to give his reply.

6. In the light of the said submission, the petitioner is granted liberty to give his reply to the impugned notice within fifteen days from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider it on its own merits and take further



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proceedings in accordance with law, after extending due opportunity to the petitioner as well as any other persons, who are interested in the matter.

7. With the above direction, the writ petition stands closed. There shall be no order as to cost. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

04.11.2024

NCC : Yes/No

Index : Yes/No

RR

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Sivagangai District..

3. The Head Quarters Deputy Tahsildar,,
Okkoor, Sivagangai Taluk,
Sivagangai District..

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

RR

ORDER
IN
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