



WP(MD). No.26448 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.11.2024

CORAM

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

WP(MD). No.26448 of 2024
and WMP(MD) Nos.22394 and 22395 of 2024

1.K.Mahalingam
2.Shanmugam

... Petitioners

Vs

1. The District Collector,
Ramanathapuram District,
Ramanathapuram

2.The Tahsildar
Thiruvadanai Taluk
Ramanathapuram District

3.The Revenue Inspector
Thiruvadanai
Thiruivadanai Taluk
Ramanathapuram District

4.The Village Administrative Officer,
Konerikottai Village
Thiruvadanai Taluk
Ramanathapuram District

... Respondents



WP(MD). No.26448 of 2024

WEB COPY

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 relating to the impugned order in Na.Ka.No. P5/6195/2022, dated 30.09.2024, passed by the 2nd respondent and quash the same and consequently direct the 2nd respondent not to proceed with the removal of encroachment in S.No. 205/1, of village Natham having an extent of 00010 sq. meter, out of 02687 sq. meter, situated at Konerikottai Village, Thiruvadanai, Ramanathapuram District, within time frame fixed by this Court.

For Petitioners : Mr.G.Prabahari
For Respondent : Mr.SRA.Ramachandran
Additional 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 30.09.2024 of the 2nd respondent and to direct the 2nd respondent not to proceed with the removal of encroachment in S.No. 205/1, of village Natham having an extent of 00010 sq. meter, out of 02687 sq. meter, situated at



WP(MD). No.26448 of 2024

Konerikottai Village, Thiruvadanai, Ramanathapuram District, 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 nature of a show cause notice calling upon the recipient to tender their explanation as to why further action under Section 6 of the Act should not be initiated against them.

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 petitioners submits that there are valid grounds to respond to the notice and therefore, seeks indulgence to give his reply.



WP(MD). No.26448 of 2024

WEB COPY

6. In the light of the said submission, the petitioners are granted liberty to give their 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 2nd respondent shall consider it on its own merits and take further proceedings in accordance with law, after extending due opportunity to the petitioners as well as any other persons, who are interested in the matter.

7. With the above direction, the writ petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

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

05.11.2024

NCC : Yes/No

Index : Yes/No

RR



WEB COPY



WP(MD). No.26448 of 2024

TO

1. The District Collector,
Ramanathapuram District,
Ramanathapuram

2.The Tahsildar
Thiruvadanai Taluk
Ramanathapuram District

3.The Revenue Inspector
Thiruvadanai
Thiruivadanai Taluk
Ramanathapuram District

4.The Village Administrative Officer,
Konerikottai Village
Thiruvadanai Taluk
Ramanathapuram District



WP(MD). No.26448 of 2024

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

RR

ORDER
IN
WP(MD) No.26448 of 2024

Date : 05/11/2024