



W.P.(MD).No.28575 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.12.2024

CORAM

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

W.P.(MD).No.28575 of 2024

and

W.M.P.(MD).Nos.24230 and 24232 of 2024

Shanmugam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District.

2.The Tahildar,
Nanguneri,
Tirunelveli District.

3.The Revenue Inspector,
Kalakadu,
Nanguneri Taluk,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining the impugned notice dated 21.10.2024 issued by the 2nd respondent and quash the same, consequently to direct the 2nd respondent to issue patta in favour of the petitioner in respect of the Survey No.101 situated at Vadakarai Village, Nanguneri Taluk, Tirunelveli District based on the petitioner's actual possession and enjoyment.



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W.P.(MD).No.28575 of 2024

For Petitioner : Mr.S.Mani

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

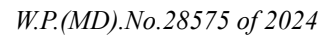
ORDER

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

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

2. Final order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, (hereinafter referred to as 'the Act') is put under challenge in the present writ petition.

3. When the Revenue Inspector was of the view that the petitioner had encroached upon 0.09.25 hectares out of 1.05.50 hectares, in S.No.101, Vadakarai Village, Kalakkadu, Nanguneri Taluk, Tirunelveli District, notice under Section 7 of the Act was issued to the petitioner calling for his objection in this regard. Pursuant to the same, the petitioner herein had submitted a detailed reply on 01.10.2024 putting forth all his objections to the notice under Section 7 of the Act. In spite of the objections given, the Tahsildar has now passed the impugned proceedings dated 21.10.2024 under Section 6 of the Act, directing him to evict from the subject property.





W.P.(MD).No.28575 of 2024

7. In the light of the above, the writ petition is partly allowed and the impugned order dated 21.10.2024 is quashed and the matter is remitted back to the second respondent herein for fresh consideration. The second respondent shall consider the petitioner's explanation dated 01.10.2024 and thereafter take further course of action in accordance with the provisions of the Act and pass a speaking order. Such an exercise shall be completed, within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The District Collector,
Tirunelveli District.

2.The Tahildar,
Nanguneri,
Tirunelveli District.

3.The Revenue Inspector,
Kalakadu,
Nanguneri Taluk,
Tirunelveli.



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W.P.(MD).No.28575 of 2024

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

Lm

W.P.(MD).No.28575 of 2024

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