



W.P.(MD).No.29884 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.12.2024

CORAM

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

W.P.(MD).No.29884 of 2024

C.Sivaraman

... Petitioner

Vs.

The Tahsildar/Monitoring Committee,
Thoothukudi Taluk,
Thoothukudi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondent and their subordinate officials from in any manner evicting the petitioner from the property in S.No.114/3, to the extent of 0.18.0 Hectare situated in Mappilaioorani, Thoothukudi.

For Petitioner : Mr.S.Sadeskumar

For Respondent : Mr.S.Shaji Bino

Special Government Pleader



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ORDER

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

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

2. The present Writ Petition is filed for Mandamus, forbearing the respondent and their subordinate officials from in any manner evicting the petitioner from the property in S.No.114/3, to the extent of 0.18.0 Hectare situated in Mappilaioorani, Thoothukudi.

3. Though a notice dated 27.11.2024 was issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has not challenged the same, but filed a Writ of Mandamus to forbear the respondents from evicting him from the subject property. It is seen that only a notice dated 27.11.2024 was issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'). It is in the 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 of law that this Court, exercising its power under Article 226 of the Constitution of India, will not venture to interfere with



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a show cause notice, except under 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 show cause notice dated 27.11.2024 within fifteen (15) days from the date of receipt of a copy of this order. On receipt of the same, the respondent shall consider it on its own merits and take further proceedings in accordance with law, after extending due opportunity to the petitioner as well as any other persons, who are interested in the subject matter.

7.. With the above direction, the Writ Petition stands dismissed. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
10.12.2024

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



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To
The Tahsildar/Monitoring Committee,
Thoothukudi Taluk,
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