



W.P.No.1805 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.1805 of 2025

and

W.M.P.No.2053 of 2025

Peruma

W/o.Late Govindasamy

... Petitioner

Vs.

1. The District Collector
Krishnagiri District
Krishnagiri.

2. The Revenue Divisional Officer
O/o. The District Collector
Krishnagiri.

3. The Tahsildar
Krishnagiri Taluk
Krishnagiri District.

... Respondents

Prayer :

Writ Petitions filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari, to call for the records of the notice

Page Nos.1/7



W.P.No.1805 of 2025

issued under Section 6 of Chennai III Act 1905 (The Tamil Nadu Land Encroachment Act, 1905) signed on 24.12.2024 on the file of the 3rd respondent and quash the same.

For Petitioner : Mr.K.Balaji
For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

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

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed assailing a 'notice / order signed by R3 dated 24.12.2024' {hereinafter 'impugned notice' for the sake of brevity, convenience and clarity}. To be noted, impugned notice has been issued under Section 6 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. Impugned notice pertains to 'land comprised in S.No.34/8 in Kondapalli Village, Alappatti Sub-Taluk, Krishnagiri Taluk, Krishnagiri District' {hereinafter 'said land' for the sake of brevity, convenience and clarity}.



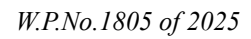
W.P.No.1805 of 2025

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2. Learned counsel for writ petitioner submits that impugned notice was not preceded by 'Show Cause Notice' {'SCN'} under Section 7 of said 1905 Act.

3. Issue notice to respondents.

4. Mr.T.K.Saravanan, learned Government Advocate, accepts notice for respondents and submits, on instructions that Section 7 notice was in fact issued. Learned State Counsel submits that noticee / writ petitioner refused to receive Section 7 notice and therefore, the same was affixed. A copy of Section 7 notice said to have been affixed is placed before this Court. A scanned reproduction of section 7 notice as placed before us is as follows:





W.P.No.1805 of 2025

5. To be noted, there is no document to demonstrate that there is affixture. It is to be noted that R3 in written instructions to learned State Counsel has not averred that Section 7 notice has been affixed.

6. Though learned counsel for writ petitioner submits that he is concerned only with S.No.34/6 and the impugned notice has been issued to writ petitioner with regard to S.No.34/8, we deem it appropriate to make the following order:

(i) Impugned notice dated 24.12.2024 is set aside;

(ii) Impugned notice is set aside on the sole ground that learned State Counsel is unable to demonstrate that prior to impugned notice, notice under Section 7 of said 1905 Act was duly served on the writ petitioner in a manner known to law;

(iii) The above means that we are not expressing any view or opinion on the merits of the matter;

(iv) Today, learned counsel for writ petitioner has been favoured with a copy of Section 7 notice. Therefore, we would take the reckoning date as 27.01.2025 and writ petitioner shall send response, if any, if so advised and if so desired within a



W.P.No.1805 of 2025

fortnight from today i.e., on or before 10.02.2025;

(v) Thereafter, R3 shall pass orders afresh on its own merits and in accordance with law.

Captioned WP disposed of in the aforesaid manner. Consequently, Writ Miscellaneous Petition thereat is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

27.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

1. The District Collector
Krishnagiri District
Krishnagiri.
2. The Revenue Divisional Officer
O/o. The District Collector
Krishnagiri.
3. The Tahsildar
Krishnagiri Taluk
Krishnagiri District.

Page Nos.6/7



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W.P.No.1805 of 2025

M.SUNDAR, J.,
and
K.RAJASEKAR, J.,

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W.P.No.1805 of 2025

27.01.2025

Page Nos.7/7