



WP(MD). No.1146 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2025

CORAM

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

**WP(MD). No.1146 of 2025
and WMP(MD) No.771 and 772 of 2025**

Balraj

... Petitioner

Vs

**1. Revenue Divisional Officer,
Palani Taluk,
Dindigul District.**

**2. The Tahsildhar,
Palani Taluk,
Dindigul District.**

**3. The Revenue Inspector,
Korikadavu Pirkka,
Palani Taluk,
Dindigul 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 of the 3rd respondent dated 19.12.2024 and quash the same as illegal and directing the respondents not to evict the petitioner without following due process of law.

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For Petitioner : Mr.T.Kumar

For Respondents : Mr.S.R.A.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. This writ petition has been filed challenging the impugned order of the 3rd respondent dated 19.12.2024 and for a consequential direction to the the respondents not to evict the petitioner without following due process of law.

3. In the light of the earlier order passed by this Court in writ petition initiated by the persons, who are similarly placed as that of the writ petitioner herein, the respondents have issued a notice calling upon the petitioner to remove the encroachment made in S.No.491/2 measuring 0.85.50 Hectares and S.No.492/2 measuring 0.76.50 Hectares



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in Midappadi Village. However, the order impugned is termed as one under Section 7 of the Land Encroachment Act, 1905. Section 7 prescribes for issuance of a show cause notice prior to an eviction order is passed.

4. The learned Additional Government Pleader attempted to justify that the earlier orders have been passed by this Court at the instance of the similarly placed encroachers, who had directly sought for eviction.

5. We do not endorse such a submission. When the Act prescribes a particular mode for initiating eviction of encroachment, the same requires to be adhered to in a true spirit. In the light of this finding, the impugned order is directed to be treated as a show cause notice, to which, the petitioner shall render his explanation within a period of one week from the date of receipt of a copy of this order. On receipt of the explanation, it would be open to the 2nd respondent/Tahsildar to consider the explanation and take further course of action in accordance with law within a period of one week thereafter. Till such time a final decision is taken in this matter, no coercive action shall be action to disturb the



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petitioner's possession of the subject property.

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6. With the above direction, the writ petition stands disposed of.

No costs. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

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

10.01.2025

NCC : Yes/No

Index : Yes/No

Office to Note: Order Copy on 13.01.2025

RR

To

1. Revenue Divisional Officer,
Palani Taluk,
Dindigul District.

2. The Tahsildhar,
Palani Taluk,
Dindigul District.

3. The Revenue Inspector,
Korikadavu Pirkka,
Palani Taluk,
Dindigul District.



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

RR

ORDER
IN
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