



W.P.(MD) Nos.1293 to 1295 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)Nos.1293 to 1295 of 2025

and

W.M.P.(MD)Nos.877 to 880, 882 & 884 of 2025

P.Chikkanan	... Petitioner in W.P.(MD)No.1293 / 2025
S.Poosaimani	... Petitioner in W.P.(MD)No.1294 / 2025
S.Posappan	... Petitioner in W.P.(MD)No.1295 / 2025
-Vs-	

1.The District Collector / Monitoring Committee,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Tahsildar,
Vedasanthur Taluk,
Dindigul District.

... Respondents

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the 3rd respondent in Na.Ka.No.1102/2024/A3, dated 16.12.2024 and quash the same as illegal.



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For Petitioners : Mr.A.Chandrakumar
For Respondents : Mr.M.Sarangan,
Additional Government Pleader
(in all W.Ps.)

COMMON ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

The eviction order issued by the 3rd respondent dated 16.12.2024 is under challenge in these Writ Petitions.

2.The learned counsel appearing for the petitioners would submit that there are three independent houses in S.No.805 at Othapatti, Paganatham Village, Vedasanthur Taluk, Dindigul District, which belong to the petitioners and they are in possession and enjoyment of the same. While being so, the 3rd respondent has issued the impugned order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'), directing the petitioners to remove the encroachment made by them within a period of 15 days.

3.He would further submit that before directing removal of encroachment, a show cause notice has to be issued under Section 7 of the Act. In



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the present case, the 3rd respondent has straightaway issued the eviction order.

Therefore, the same is liable to be quashed.

4.Mr.M.Sarangan, learned Additional Government Pleader for the respondents would submit that the present impugned order may be treated as show cause notice, for which, the petitioners may give their explanation and on receipt of the same, necessary orders would be passed.

5.In view of the above, the impugned eviction order dated 16.12.2024 is treated as show cause notice and the petitioners are directed to submit their explanation / objection to the same, enclosing all the relevant materials to substantiate their claim within a period of three weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned within a period of four weeks thereafter. If the petitioners are aggrieved, then there is an appeal remedy and therefore, they can approach the appellate authority.



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6. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
06.03.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector / Monitoring Committee,
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