



W.P.(MD)No.1519 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1519 of 2025

and

W.M.P.(MD)Nos.1099 & 1100 of 2024

Lakshmi

: Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the impugned notice issued by the second respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in Na.Ka.Aa5/5611/2024 dated 06.01.2025 and quash the same.



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W.P.(MD)No.1519 of 2025

For Petitioner : Mr.A.Karthik

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

O R D E R

[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.Challenging the impugned notice dated 06.01.2025 of the second respondent, the petitioner is before this Court.

3.The impugned notice is one 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 her explanation as to why further action under Section 6 of the Act should not be initiated against her.

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 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.



W.P.(MD)No.1519 of 2025

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5.In view of the above, the writ petition is not maintainable. However, the learned counsel for the petitioner submits that the petitioner has valid grounds to respond to the notice and therefore, seeks indulgence to give her reply.

6.In the light of the said submission, the petitioner is granted liberty to give her reply to the impugned notice within fifteen [15] days from the date of receipt of a copy of this order. On receipt of the same, the second 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, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

21.01.2025

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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

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ORDER MADE IN
W.P.(MD)No.1519 of 2025

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