



WP(MD). No.3296 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 25/04/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.3296 of 2025
and WMP(MD) Nos.2300 & 2301 of 2025

1. V.Ramakrishnan
2. A.Mareeshwaran

... Petitioners

Vs

1. The District Collector,
Virudhunagar District, Virudhunagar.

2. The Revenue Divisional Officer,
Sattur Town, Virudhunagar District.

3. The Tahsildhar,
Office of the Tahsildhar,
Sattur Taluk, Virudhunagar District.

4. The Block Development Officer,
Office of the Block Development Officer,
Sattur Town, Virudhunagar District.

5. The Revenue Inspector,
Nenmeni Village, Sattur Taluk,
Virudhunagar District.

6.V.Perumal

... Respondents



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(6th respondent has been impleaded vide
order dated 25.04.2025 in WMP(MD) No.5582/2025)

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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned eviction notices dated 20.01.2025 issued by the 5th respondent in respect of the removal of house of the petitioners lies in Survey No.520/14 old Survey No.40 of Pappakudi Village, Nenmeni, Sattur Taluk, Virudhunagar District and to quash the same as illegal.

For Petitioners : Mr.C.M.Arumugam
For Respondents : Mrs.D.Farjana Ghoushia for R1,R3&R5
Special Government Pleader
Mr.J.Ashok for R4
Additional Government pleader
Mr.M.Thirunavukkarasu for R6

ORDER

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

The writ petition has been filed challenging the impugned eviction notice dated 20.01.2025 issued by the 5th respondent in respect of the removal of house of the petitioners in Survey No.520/14 old Survey No. 40 of Pappakudi Village, Nenmeni, Sattur Taluk, Virudhunagar District.

2. Heard the learned counsel for the petitioners, the learned Special



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Government Pleader, the learned Additional Government Pleader for the official respondents and the learned counsel for the 6th respondent.

3. Alleging that the petitioners have encroached the Government land, the impugned notice under Section 7 of the Land Encroachment Act has been issued.

4. The learned counsel for the petitioners would vehemently contend that the land in question is a natham land and the petitioners are in occupation of the natham land and hence, it cannot be stated to be Government land and an alleged encroachment.

5. However, it is the contention of the official respondents that pursuant to a survey conducted, they found that a portion of the land is a natham land, for which, the petitioners have been given with assignment patta and they are not disturbing that portion. As far as the rest of the portion occupied by the petitioners is concerned, since it is a bund, impugned order has been rightly issued.



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6. Considering the submission made by the learned Additional Government Pleader that the official respondents are not disturbing the petitioner as far as the natham patta portion and that the impugned order is a show cause notice, the petitioners are directed to submit a reply within a period of three months from the date of receipt of a copy of this order and on such reply to be given by the petitioners, the third respondent shall pass orders on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that during the proceedings, opportunity shall also be given to the impleaded respondent.

7. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

[J.N.B.,J]

[S.S.Y.,J]

25.04.2025

NCC : Yes/No
Index : Yes/No
RR



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ORDER
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