



W.P(MD)No.3659 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.3659 of 2025
and
WMP(MD)Nos.2648, 2649 & 2650 of 2025**

M.Mahalingam

... Petitioner

vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthanki,
Pudukkottai District.

3.The Tahsildar,
Aavudaiyar Kovil Taluk,
Pudukkottai District.

4.The Revenue Inspector,
Mimisal Post,
Aavudaiyar Kovil Taluk,
Pudukkottai District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the fourth respondent in connection with impugned show cause notice issued in NIL dated 21.01.2025 and quash the same as arbitrary and colorable exercise of power consequently directing the 1st respondent to issue patta in favour of the petitioner for the land comprised in Survey No.63/1 situated at R.Pudupattinam, Nattanipurasakudi, Mimisal Post, Aavudaiyar Kovil Taluk, Pudukkottai District within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by J. NISHA BANU, 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 notice issued by the fourth respondent dated 21.01.2025, under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short hereinafter referred to as 'the Act'), this Writ Petition has been filed.



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3.The impugned notice is one issued under Section 7 of the Act. It is in the nature of a show cause notice, calling upon the recipient to tender his explanation as to why further action under Section 6 of the Act, should not be initiated against him.

4.It is a 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 few exceptions. The grounds raised in the present writ petition do not fall under any of these exceptions.

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 his reply.



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

[J.N.B.,J.] & [L.V.G.,J.]
10.02.2025
(3/18)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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J.NISHA BANU, J.
and
L.VICTORIA GOWRI, J.

ps

ORDER MADE IN
W.P(MD)No.3659 of 2025

DATED : 10.02.2025
(3/18)