



W.P.(MD) No.4353 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM:

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

AND

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

W.P.(MD)No.4353 of 2025

and

W.M.P.(MD)No.3118 of 2025

Muthu Kumar

... Petitioner

-Vs-

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Manamadurai Taluk,
Sivaganagi District.

3.The Zonal Deputy Tahsildar,
Manamadurai Taluk,
Sivagangai District.

... Respondents

PRAYER: Petition 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.A4/287/2025, dated 31.01.2025 and quash the same as illegal.



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For Petitioner : Mr.R.Gowrishankar
For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

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

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The eviction notice issued by the 3rd respondent dated 31.01.2025 is under challenge in this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the 3rd respondent has issued the impugned notice as if an eviction order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, though it was issued under Section 7 of the Act. Therefore, the same is liable to be quashed.

4.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents, would submit that the present impugned notice may be treated as show cause notice, for which, the petitioner may give his explanation and on receipt of the same, necessary orders would be passed.



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5. In view of the above, the impugned eviction notice dated 31.01.2025 is treated as show cause notice and the petitioner is directed to submit his explanation / objection to the same, enclosing all the relevant materials to substantiate his 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 there is any encroachment in the place in question, the same shall be removed by the authority concerned by following due process of law.

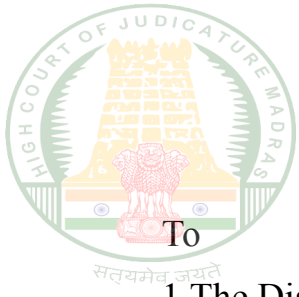
6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
19.02.2025

NCC : Yes / No
Index : Yes / No

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