



W.P.(MD) No.4236 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.02.2025

CORAM:

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

AND

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

W.P.(MD)No.4236 of 2025

and

W.M.P.(MD)Nos.3040 & 3041 of 2025

Karuppuchamy

... Petitioner

-Vs-

1.The Tahsildar,
Palani Taluk, Dindigul District.

2.The Firka Revenue Inspector,
Thoppampatti Firka, Palani Taluk,
Dindigul 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 2nd respondent dated 31.01.2025 and quash the same as illegal.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.J.Ashok,

Additional Government Pleader



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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 2nd respondent dated 31.01.2025 is under challenge in this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the petitioner has purchased the property in Survey No.288/1A1 to an extent of 10 cents through a registered sale deed dated 31.01.2008. From the date of purchase, he is in possession and enjoyment of the same. While being so, the 2nd respondent has issued the impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'), directing the petitioner to remove the encroachment made by him to an extent of 36 sq.ft, out of 10 cents within a period of 15 days.

4.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 2nd respondent has issued the notice under Section 7 of the Act as if an eviction order under Section 6 of the Act. Therefore, the same is liable to be quashed.

5.Mr.J.Ashok, learned Additional 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.

6.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.



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WEB COPY 7. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
18.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Tahsildar,
Palani Taluk, Dindigul District.
2. The Firka Revenue Inspector,
Thoppampatti Firka, Palani Taluk,
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