



WP(MD). No.4987 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 28/03/2025

CORAM

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

WP(MD). No.4987 of 2022 and
WMP(MD) Nos.4100 and 4101 of 2022

Selvaraj.M

... Petitioner

Vs

1. The District Revenue Officer,
Madurai District, Madurai..

2. The Revenue Divisional Officer,
Usilampatti Taluk, Madurai District..

3. The Tahsildar,
Taluk Office, Peraiyur Taluk,
Madurai District..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, to calling for the records relating to the impugned notice passed by the 3rd respondent herein dated 09.03.2022 and quash the same.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.M.Sarangan
Addl.Government Pleader



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ORDER

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(Order of the Court was made by J.NISHA BANU, J.)

Challenging the impugned order issued by the 3rd respondent, the petitioner is before this Court.

2. Originally the Government of Tamil Nadu under the “Land Transfer Patta” Scheme has provided 5 cents of land to the petitioner herein, since the petitioner was a landless poor. In the said land, the petitioner has constructed a small house. While so, alleging that the petitioner has encroached the Government land, the 3rd respondent has issued an eviction order under Section 6 of the Land Encroachment Act.

3. The impugned order is one under Section 6 of the Tamil Nadu Land Encroachment Act (hereinafter referred to as 'the Act') to remove the encroachment made by the petitioner as alleged by the 3rd respondent. Prior to the issuance of the order under Section 6 of the Act, notice under Section 7 has been issued. However, the petitioner failed to give his reply to the said notice. Since the petitioner has not given any reply, the 3rd respondent has passed the impugned order under Section 6 of the Act.



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4. The main grievance of the petitioner is that the petitioner has sent his reply to the notice issued by the authority. However, the same has reached the respondents only after the authorities has issued the impugned order. On this ground, the petitioner prays for interference.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader.

6. In view of the submissions made and considering the facts and circumstances of the case, the impugned order of the 3rd respondent dated 09.03.2022 is set aside and the 3rd respondent is directed to consider the reply sent by the petitioner and pass orders afresh, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

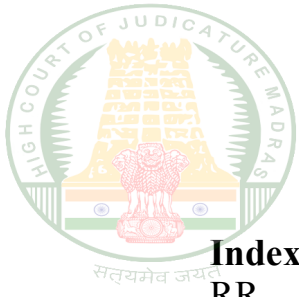
[J.N.B.,J]

[S.S.Y.,J]

28.03.2025

NCC : Yes/No

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Index : Yes/No

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RR

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