



W.P.(MD) No.7363 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2025

CORAM:

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

AND

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

W.P.(MD)No.7363 of 2025

and

W.M.P.(MD)Nos.5565 & 5566 of 2025

1.Pandian @ Vellai Pandian
2.Nagamani

... Petitioners

-Vs-

- 1.The District Collector,
Collectorate, Theni.
- 2.The Revenue Divisional Officer /
Monitoring Committee,
Office of the Revenue Divisional,
Theni.
- 3.The Tahsildar,
Andipatti Taluk,
Theni District.
- 4.The Block Development Officer,
Panchayat Union Office,
Andipatti, Theni District.



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5. The Revenue Inspector,
Rajadhani, Andipatti Taluk,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.4565/2022/Aa3, dated 07.03.2025 passed by the 3rd respondent and quash the same as arbitrary, illegal and against the principles of natural justice and consequently, forbearing the respondents from evicting the pipeline underneath the land in S.F.No.195/2 which laid between the petitioners patta land in S.F.Nos.162/1 and 195/3 situated in Rajathani Village, Andipatti Taluk, Theni District.

For Petitioner : Mr.S.Krishnan

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.Challenging the eviction order dated 07.03.2025 issued by the 3rd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'), the petitioners have filed this Writ Petition.



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3.The learned counsel appearing for the petitioners would submit that the petitioners jointly owned the properties in S.F.Nos.162/1 and 915/3 situated at Rajathani Village, Andipatti Taluk, Theni District and they had also joint patta. In order to get separate patta, they applied before the respondents 2 and 3. However, no action had been taken. Therefore, they filed W.P.(MD)No.25633 of 2024 and the same was allowed by this Court vide order dated 28.10.2024. Pursuant to the said order, survey was conducted and four boundaries were fixed. Thereafter, the 5th respondent issued the show cause notice under Section 7 of the Act on 02.12.2024, for which, the petitioners have given their explanation on 14.12.2024. However, the same was rejected on 06.01.2025 and the eviction order under Section 6 of the Act was passed by the 2nd respondent on 09.01.2025. Challenging the same, the petitioners filed W.P.(MD)No.1492 of 2025, which was dismissed by this Court, since they challenged the consequential eviction order only. Therefore, they filed another Writ Petition in W.P.(MD)No.1646 of 2025 challenging the rejection order dated 06.01.2025 and the eviction order dated 09.01.2025, which was allowed by this Court vide order dated 22.01.2025, directing the 3rd respondent to pass speaking order by considering the explanation given by the petitioners on 14.12.2024. However, without considering the same and without giving any opportunity of personal hearing, the 3rd respondent has passed the present impugned order.



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4.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents, would submit that pursuant to the order passed by this Court in W.P.(MD)No.1646 of 2025, the 3rd respondent has passed the impugned order under Section 6 of the Act.

5.Considering the submissions made on either side, to meet the end of justice, the impugned eviction order dated 07.03.2025 is treated as show cause notice and the petitioners are directed to submit their explanation / objection to the same, enclosing all the relevant materials to substantiate their claim within a period of four 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 including personal hearing, 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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6. 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.]
19.03.2025
(2/2)

NCC : Yes / No
Index : Yes / No

Yuva

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