



W.P.(MD) No.8506 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2025

CORAM:

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

AND

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

W.P.(MD)No.8506 of 2025

and

W.M.P.(MD)Nos.6358 and 6359 of 2025

Karuppiah

... Petitioner

-Vs-

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Natham Taluk,
Dindigul District.
- 4.The Revenue Inspector,
Senthurai Sub-Division,
Natham Taluk, Dindigul District.
- 5.The Village Administrative Officer,
Senthurai, Natham Taluk,
Dindigul District.

Page 1 of 6



W.P.(MD) No.8506 of 2025

6. The Firka Surveyor,
Senthurai,
Natham 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 entire records relating to the Impugned Order passed by the 4th respondent in his proceedings NIL dated NIL (Served on 20.03.2025) and set aside the same as illegal.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.S.S.Madhavan

Additional 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 fourth respondent dated Nil is under challenge in this Writ Petition.

3.The learned counsel appearing for the petitioner would submit that the subject property belongs to his father. After his demise, the petitioner and his



W.P.(MD) No.8506 of 2025

brother are in possession of the property. While being so, the fourth respondent has issued the impugned eviction 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 by putting up a bund in the Government land.

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 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.S.S.Madhavan, 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 Nil 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



W.P.(MD) No.8506 of 2025

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 of personal hearing 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.

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.]
26.03.2025

NCC : Yes / No
Index : Yes / No

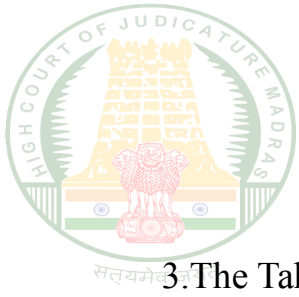
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To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Revenue Divisional Officer,
Dindigul District,
Dindigul.

Page 4 of 6



W.P.(MD) No.8506 of 2025

3. The Tahsildar,
Natham Taluk,
Dindigul District.
4. The Revenue Inspector,
Senthurai Sub-Division,
Natham Taluk, Dindigul District.
5. The Village Administrative Officer,
Senthurai, Natham Taluk,
Dindigul District.
6. The Firka Surveyor,
Senthurai,
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W.P.(MD) No.8506 of 2025

J.NISHA BANU, J.

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W.P.(MD)No.8506 of 2025

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