



WP(MD). No.4101 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 20/06/2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE Mrs. JUSTICE S.SRIMATHY

W.P.(MD)No.4101 of 2019

and WMP(MD) No.3201 of 2019

R.Jamuna Rani
D/o.Late Shri.P.Ramanujam
W/o.Subburaj,
No.2/97 (Old No.1/125) North Street,
Vembakottai Village and Taluk
Virudhunagar District

... Petitioner

Vs

1.The District Collector
Collectorate Complex, Virudhunagar
Virudhunagar District

2.The Block Development Officer cum
Panchayat Union Commissioner,
Vembakottai Panchayat Union,
Vembakottai, Virudhunagar District

3.The Tahsildar
Vembakottai Taluk, Vembakottai
Virudhunagar District

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the impugned notice in Nil proceedings dated 06.02.2019 on the file of the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.D.Dhana Chandra Prakash



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For Respondents :Mr.S.P.Maharajan
Special Government Pleader

ORDER

**(Order of the Court was made by
the Hon'ble the Chief Justice)**

The short point in this petition is that notices under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 came to be served on the same day, when the party should be given first the notice under Section 7, given some time to give reply and thereafter issued notice under Section 6.

2. Counsel submits that opportunity to reply under Section 7 notice was not given and hence, notice issued under Section 6 should be quashed.

3. There is nothing in the affidavit in reply to indicate that notice under Section 7 was served earlier though there is an averment that notice under Section 7 was served on 28.05.2018 and notice under Section 6 was served on 06.02.2019.



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4. Therefore, we quash and set aside notice dated 06.02.2019 issued under Section 6. Petitioner shall within one week reply to Section 7 notice. Thereafter respondents may take steps in accordance with law. We express no opinion on the merits of the matter.

5. Petition is disposed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

(K.R.SHRIRAM, C.J.)

(S.SRIMATHY, J.)

20.06.2025

NCC : Yes/No

Index : Yes/No

RR

To

1.The District Collector
Collectorate Complex,
Virudhunagar, Virudhunagar District

2.The Block Development Officer cum Panchayat Union Commissioner,
Vembakottai Panchayat Union,
Vembakottai, Virudhunagar District

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THE HON'BLE CHIEF JUSTICE

AND

S.SRIMATHY, J.

RR

**ORDER
IN**

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