

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.29996 of 2004

M.G.Ramamurthy

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary,
Fisheries Department,
Fort St. George,
Chennai-9.

2. The District Collector,
Villupuram District,
Villupuram.

3. The Thasildar,
Tindivanam Taluk,
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the eviction order issued by the 3rd respondent under Section 6 of the Land Encroachment Act by proceedings reference Nil dated Nil, signed by the 3rd respondent on 12.09.2004, in respect of lands in S.No.23/1, Muttukadu Village within Marakkanam Panchayat Union, Tindivanam Taluk, Villupuram District and quash the same and direct the second respondent to consider the petitioner's representations given either individually or collectively on various dates regarding the grant of lease of lands in Survey No.23/1 in Muttukadu Village, within Marakkanam Panchayat Union in Tindivanam Taluk, Villupuram District, on a long term basis, taking into consideration the importance of shrimp farms in national interest and the social and constitutional obligations of the Governments.

For petitioner : Mr.M.Velmurugan

For respondents : Mr.M.Elumalai,
Government Advocate

O R D E R

The Writ Petition has been filed by the petitioner, challenging the notice issued under Section 6 of the Land Encroachment Act, 1905, calling upon him to remove the encroachment made by him in the Government land.

2. The case of the petitioner is that his grandfather Murthiyar Pillai has purchased 0.78 cents of land in Survey No.23/1 in Marakkanam North Village in the year 1930. After the demise of his grandfather, his father continued to enjoy the suit property through out his life time. Thereafter, the petitioner has been in enjoyment of the property till date. The petitioner as an agriculturalist, cultivating the patta land and the adjacent patta land and utilising the said land-in-question for growing timber and other cash crops. Hence, the official respondent issued the notice under Section 6 of the Land Encroachment Act, 1905.

3. Heard the learned Counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

4. Admittedly, as against notice under Section 6 of the Land Encroachment Act, 1905, adjudicatory mechanism is available under the Encroachment Act. It is well settled that it can be adjudicated by way of appeal or by way of revision and without doing so, approaching this Court is not permissible.

5. In view of the above, the Writ Petition is dismissed. However, liberty is granted to the petitioner to avail the appeal remedy under Section 10 and further remedy is available by way of revision under Section 10A of the Act. The respondents are directed not to take coercive steps for a period of 2 weeks. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Fisheries Department,
Fort St. George,
Chennai-9.

2. The District Collector,
Villupuram District,
Villupuram.

3. The Thasildar,
Tindivanam Taluk,
Villupuram District.

+lcc to Mr.M.Velmurugan, Advocate, S.R.No.58442
+lcc to the Government Pleader, S.R.No.59925

W.P.No.29996 of 2004

SR(CO)
CA(08/09/2017)



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