



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2017

CORAM:

**THE HONOURABLE MR.JUSTICE A.SELVAM**

**and**

**THE HONOURABLE MR.JUSTICE P.KALAIYARASAN**

WEB COPY

W.P (MD) No.1025 of 2017

and

W.M.P (MD) No.854 of 2017

Thirumurugan @ Murugan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,  
Musiri, Trichy District.

2.The Tahsildar,  
Thottiyam, Trichy District.

3.The Revenue Inspector,  
Elurpatti, Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent in his proceedings Na.Ka.No.A2-6968-2016, dated 09.01.2017 and quash the same and consequently directing the respondents to consider the petitioner's mother's representation dated 02.01.2017.

For Petitioner  
For Respondents

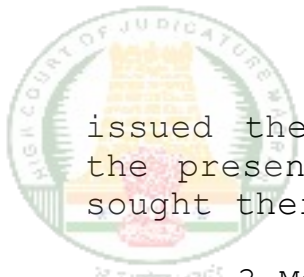
: Mr.A.Joel Paul Antony  
: Mr.D.Muruganandam,  
Additional Government Pleader.

### ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the proceedings passed by the third respondent in Na.Ka.No.A2-6968-2016, dated 09.01.2017 and quash the same, by way of issuing a writ of certiorarified mandamus.

2.It is averred in the petition that the petitioner is a resident of Tholloorpatti Village, wherein Survey No.112/6 is situate and the same has been classified as Government poromboke land. The petitioner has put up construction in Survey No.112/6. But the third respondent without any jurisdiction has



issued the impugned proceedings. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. Mr. D. Muruganandam, learned Additional Government Pleader, has taken notice for the respondents.

4. The learned counsel appearing for the petitioner has contended that the third respondent has no jurisdiction to issue the proceedings in question and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

5. The learned Additional Government Pleader appearing for the respondents has relied upon the provision of Section 7 of the Tamil Nadu Land Encroachment Act, 1905, wherein it is stated like thus:

"Before taking proceedings under section 6 the Collector or Tahsildar or Deputy Tahsildar or Revenue Inspector or any authorised office or any other officer specified by the State Government in this behalf (not being an authorised officer) (hereinafter referred to as the 'specified officer') as the case may be shall cause to be served on the person reputed to be in unauthorised occupation of land being the property of Government a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under section 6".

6. From a close reading of the said provision, it is made clear that the third respondent is also having power to issue such kind of proceedings.

7. Considering the fact that the third respondent has issued such kind of proceedings only as per law, the relief sought in the writ petition cannot be granted and therefore the present writ petition deserves to be dismissed.

8. In fine, this writ petition is dismissed without costs. However the respondents are directed to look into the representation dated 02.01.2017 and dispose of the same as early as possible. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-  
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

1.The Revenue Divisional Officer,  
Musiri, Trichy District.

2.The Tahsildar,  
Thottiyam, Trichy District.

3.The Revenue Inspector,  
Elurpatti, Trichy District.

+1cc to M/s.A.JOEL PAUL ANTONY, Advocate in SR. No.3488

+1cc to Mr.Special Government Pleader Advocate in SR. N0.3762

smn

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ORDER MADE IN  
W.P (MD) No.1025 of 2017  
and  
W.M.P (MD) No.854 of 2017  
23.01.2017