

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. Nos.32620 and 32625 of 2018

R.Ramasamy

.. Petitioner in
W.P.No.32620/2018

A.Yuvaraj

.. Petitioner in
W.P.No.32625/2018

-vs-

1.The District Collector,
Dharmapuri District,
Collectorate,
Dharmapuri - 636 705.

2.The Revenue Divisional Officer,
Salem Bypass, Periyar Nagar,
Harur, Dharmapuri District- 636 903.

3.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District-636 905.

.. Respondent in
both WPs.

W.P.No.32620 of 2018 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to Section 7 notice dated 10.12.2017 and 09.01.2018 issued by the 3rd respondent to the petitioner under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connected with the land measuring an extent of 0.82.0 hectares in S.No.261/6 in Bommidi Village, Pappireddipatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently, direct the 3rd

respondent to issue patta for the said land in the name of the petitioner.

W.P.No.32625 of 2018 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to Section 7 notice dated 10.12.2017 and 09.01.2018 issued by the 3rd respondent to the petitioner under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connected with the land measuring an extent of 0.84.0 hectares in S.No.114/2 in Vellalapatti Village, Pappireddipatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently, direct the 3rd respondent to issue patta for the said land in the name of the petitioner.

For Petitioners : Mrs.Nalini Chidambaram
Senior Counsel
for M/s.C.Uma

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate

COMMON ORDER

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

Heard the learned Senior Counsel for the petitioners and the learned Government Advocate, who takes notice for the respondents.

2. The challenge in these writ petitions is to the final order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Admittedly, the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is appealable under Section 10 of the said Act. There is also a provision for stay of further proceedings which is provided under Section 10-B of the said Act. In view of the same, we do not propose to entertain the present writ petitions.

4. We give liberty to the petitioners to file an appeal before the appropriate authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. If the appeal is filed within a period of thirty days from today, the Appellate Authority shall entertain the appeal de hors the question of limitation. The stay petition shall be considered within two weeks of the

same being filed. Till orders are passed in the stay petition, status quo as on today shall be maintained. In case, no appeal is filed within the period noted above, it is open to the statutory authority to proceed in accordance with law.

5. The writ petitions are disposed of with the above direction. No costs. Consequently, W.M.P.Nos.37822, 37824, 37828 and 37830 of 2018 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Dharmapuri District,
Collectorate,
Dharmapuri - 636 705.

2.The Revenue Divisional Officer,
Salem Bypass, Periyar Nagar,
Harur, Dharmapuri District- 636 903.

3.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District-636 905.

+2cc to Mr.C.Uma, Advocate, S.R.No.85637 & 85638

+1cc to the Government Pleader, S.R.No.86188 & 86189

W.P.Nos.32620 and 32625 of 2018

VBA (CO)
GSP (26/12/2018)

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