

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3045 of 2019
and W.M.P.Nos.3324, 3326 and 3329 of 2019

1.P.Venkatachalam
2.S.P.Murugan

... Petitioners

-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.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the 7 notices 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 connection with the land measuring an extents of 003.5 and 0.63.5 hectares in S.No.6/1A, 6/1B in Sembiyanur Village and 0.88.3 and 1.64.00 hectares in S.No.120/1, 120/3 in Vellalapatti Village, B.Thurinjipadi Post, 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.C.Uma
For Respondents : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

Heard the learned counsel for the petitioner and the learned Government Advocate, who takes notice for the respondents.

2. The challenge in the writ petition is to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, which is dated 10.12.2017 and the final order being one passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, which is dated 09.01.2018. The lands in question relating to which notices have been issued are situated at S.Nos.6/1A, 6/1B measuring an extent of 003.5 and 0.63.5 hectares in Sembianur Village and S.No.120/1, 120/3 measuring an extent of 0.88.3 and 1.64.00 hectares in Vellalapatti Village, B.Thurinjipadi Post, Pappireddipatti Taluk, Dharmapuri District.

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 petition.

4. We give liberty to the petitioner 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 ten days from today, the Appellate Authority shall entertain the appeal de hors the question of limitation. The stay petition which is to be filed within ten days from today shall be considered within ten days 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 petition is disposed of with the above direction. No costs. Consequently, W.M.P.Nos.3324, 3326 and 3329 of 2019 are closed.

sra

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

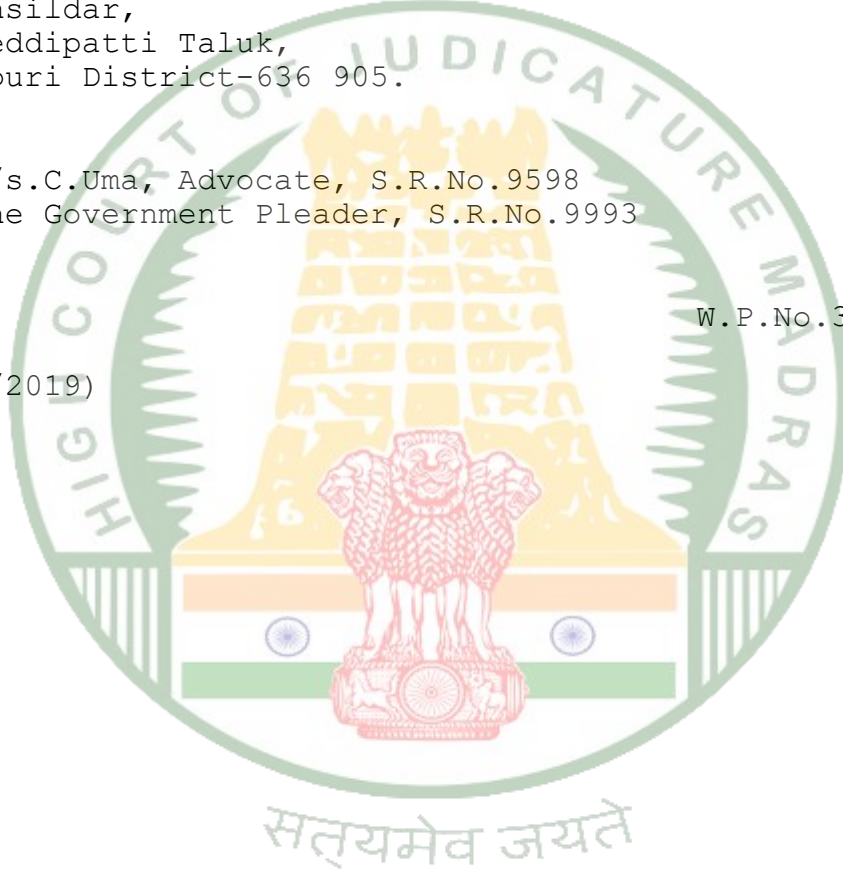
To

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2. The Revenue Divisional Officer,
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Harur, Dharmapuri District- 636 903.
3. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District-636 905.

+lcc to M/s.C.Uma, Advocate, S.R.No.9598
+lcc to the Government Pleader, S.R.No.9993

W.P.No.3045 of 2019

SJ(CO)
KAK(01/03/2019)



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