



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD)No.7386 of 2020

and

W.M.P.(MD)Nos.6834 & 6835 of 2020

WEB COPY

P.Sundararaj

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Dindigul (East),
Dindigul.

3.The Block Development Officer (VP),
Panchayat Union,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in Na.Ka.No:1993/2020/Uoo2 dated 17.06.2020 and quash the same and consequently issue a direction directing the respondents to conduct enquiry and survey the lands in Survey Nos.540/2, 541/1A, 541/1B, Mullipadi Village, Dindigul District and Survey No.733/15, Seelapadi Village, Dindigul District.

For Petitioner

: Mr.S.Vinod Sathya Lazar

For Respondents

: Mr.VR.Shanmuganathan
Special Government Pleader

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O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

The petitioner makes a challenge to the impugned communication dated 17.06.2020, sent by the third respondent for want of jurisdiction.

2. A perusal of the impugned communication would merely say

<https://hcservices.ecourts.gov.in/hcservices/>



that in respect of the alleged encroachment, action has been initiated under Section 7 of the Tamil Nadu Encroachment Act, 1905, which reads as follows:-

"7. Prior notice to person in occupation.- Before taking proceedings under Section 6, the Collector or Tahsildar or Deputy Tahsildar or Revenue Inspector or any authorised officer 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.

Such notice shall be served in the manner prescribed in Section 25 of the Tamil Nadu Revenue Recovery Act, 1864 or in such other manner as the State Government by rules or orders under Section 8 may direct:

Provided that no such notice shall be necessary in the case of any person unauthorisedly occupying any land, if he has been previously evicted from such land under Section 6 or if he has previously vacated such land voluntarily after the receipt of a notice under Section 5-B or under this Section:

Provided further that where the notice under this section is caused to be served by any Revenue Inspector or any specified officer, he shall require the person reputed to be in unauthorised occupation of the land to show cause against such notice to the Collector, Tahsildar, [Deputy Tahsildar or authorised officer having jurisdiction, as the case may be] and shall also make a report in writing containing such particulars as may be specified in rules or orders made under Section 8 to the Collector, Tahsildar, Deputy Tahsildar or authorised officer having jurisdiction, as the case may be."

3. As per the said Act, authority can be given to any officer and in the light of the same, the jurisdiction point raised by the petitioner appears to be *prima facie* not sustainable. At this juncture, the learned counsel for the



petitioner, on instruction, seeks permission of this Court to withdraw the Writ Petition with liberty to work out his remedy available under the provisions of the Tamil Nadu Land Encroachment Act, 1905 and made an endorsement to that effect through email.

4. In the light of the endorsement, the Writ Petition is dismissed as withdrawn with liberty to the petitioner to work out his remedy under the provisions of the Tamil Nadu Land Encroachment Act, 1905. No Costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

- 1.The District Collector,
Dindigul District.
- 2.The Tahsildar,
Dindigul (East),
Dindigul.
- 3.The Block Development Officer (VP),
Panchayat Union,
Dindigul.

W.P. (MD) No. 7386 of 2020

and

W.M.P. (MD) No. 6835 of 2020

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