



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.19551 of 2021

and

W.M.P(MD)Nos.16238 and 16239 of 2021

Roshna Begam

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Thasildar,
Marungapuri Taluk,
Marungapuri,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the proceedings of the first respondent in MP.1/15283/2021, dated 18.08.2021 and quash the same and consequently direct the respondents to issue patta for Survey No.175/2, situated at Thuvarankurichi, Marungapuri Taluk, Trichy District, by considering the petitioner's husband's representation, dated 09.02.2021.

For Petitioner : Mr.M.Pitchai Muthu

For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the first respondent, dated 18.08.2021 and to quash the same and consequently directing the respondents to issue patta for Survey No.175/2, situated at Thuvarankurichi, Marungapuri Taluk, Trichy District, by considering the representation, dated



09.02.2021.

2.It is not in dispute that the third respondent issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, in respect of the land in Survey No.175/2.

WEB COPY

3.Though the notice issued under Section 7 of the Act is a show-cause notice, the petitioner has filed an appeal before the first respondent/the District Collector and the District Collector had also entertained the appeal and dismissed the same. The petitioner cannot file an appeal as against the show-cause notice issued under Section 7 of the Act. The cause of action for filing an appeal shall arise only on the issuance of Section 6 order. If an order is passed under Section 6 of the Act, then the aggrieved party can file an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. In these circumstances, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed.

4.Mr.P.Thilak Kumar, learned Government Pleader, taking notice for the respondents submitted that the first respondent has already allotted the land in Survey No.175/2B for the purpose of Fire Station and staff quarters for the employees of the Fire Service Department.

5.The submission made by the learned Government Pleader appearing for the respondents is also recorded. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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,
Trichy District,
Trichy.



2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Thasildar,
Marungapuri Taluk,
Marungapuri,
Trichy District.

+1 CC to M/s.SPL.GP (SR-33525[F] dated 02/11/2021)

W.P (MD) No.19551 of 2021
01.11.2021

ARK(CO)
KB(18.11.2021) 3P 5C