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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
W.P. NOS.8705, 8706, 8709, 8712 AND 8715 OF 2022 &
WMP.NOS.8621, 8623, 8624, 8625, 8629,
8631, 8633 AND 8634 OF 2022

Mrs.T.Vasantha	.. Petitioner in WP.8705/2022
Mrs.T.Muthulakshmi	.. Petitioner in WP.8706/2022
Mrs.P.Thilaga	.. Petitioner in WP.8709/2022
Mrs.P.Vadivazhagi	.. Petitioner in WP.8712/2022
Mrs.S.Sivamathi	.. Petitioner in WP.8715/2022

vs

1. The District Collector,
Collectorate, Thiruvarur District.
2. The Tahsildar, Taluk Office,
Thiruvarur, Thiruvarur District.
3. The Assistant Director (Panchayat),
Office of the Assistant Director
(Panchayat), Collectorate,
Thiruvarur District.



4. The Block Development Officer
(Village Panchayat), office of the
Block Development Officer,
Thiruvarur District.

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.. Respondents in
all the WPs

Prayer:

Petitions filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records leading to impugned notices made in Na. Ka. No. 2792/2020/A4 dated 16.3.2022 on the file of the 2nd respondent issued under Section 7 of Tamil Nadu Land Encroachment Act 1905, quash the same as illegal arbitrary and consequently restraining the respondents from interfering with the respective petitioners' peaceful possession and enjoyment of the land measuring (i) 1.00 Ares or 1076 sq.ft. comprised in S.No.148/17/4, (ii) 1.00 Ares or 1076 sq. ft. comprised in S.No.148/17/6, (iii) 1.00 Ares or 1076 sq. ft. comprised in S.No.148/17/5, (iv) 1.50 ares or 1614 sq.ft comprised in S.No.148/17/2 and and (v) 0.50 ares or 538 sq.ft comprised in S.No.148/17/9 of Pulivalam Village, Thiruvarur Taluk, Thiruvarur District respectively.

For Petitioners in all WP's	: Mr.N.Naganathan
For Respondents R1 to R4 in all WP's	: Mr.J.Ravindran, Additional Advocate General assisted by Mr.S.J.Mohammed Sathik, Government Advocate

COMMON ORDER

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

We have heard the learned counsel appearing for the respective parties.

2. The writ petitions have been filed against the orders passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. It was after the issuance of notice under Section 7 of the Act of 1905, to which, reply was given.

3. The petitioners are having a remedy of appeal under Section 10 of the Act of 1905. However, without availing it,



they have filed the writ petitions mainly on the ground that this Court, in a public interest litigation, passed an order, pursuant to which, action has been taken by the respondents.

4. We have gone through the order passed by this Court and find that the Court passed a very cautious order while disposing of the matter in W.P.No.6298 of 2020 by order dated 12.3.2020 by directing the official respondents to take action as per the provisions of law, however, without commenting on the merits of the case. The official respondents also issued show cause notices under Section 7 of the Act of 1905 and after the receipt of reply, passed orders under Section 6 of the Act of 1905.

5. Since the order referred to supra itself permits encroachers to take remedy as provided under law, we cannot go against the said order.

6. Without commenting on the merits, we dispose of the writ petitions with liberty to the petitioners to pursue the remedy of appeal under Section 10 of the Act of 1905. The petitioners are also at liberty even to file an interim application along with the appeal, which may be appropriately considered by the Appellate Authority. Consequently, the connected WMPs are closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Thiruvarur District.
2. The Tahsildar, Taluk Office,
Thiruvarur,
Thiruvarur District.
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Office of the Assistant Director
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4. The Block Development Officer
(Village Panchayat), office of the
Block Development Officer,
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+5ccs to Mr.N.Naganathan, Advocate, S.R.No.24443, 24444, 24445,
24446 and 24447
+1cc to the Government Pleader, S.R.No.24594

W.P. Nos.8705, 8706, 8709, 8712
& 8715 of 2022 & WMP.Nos.8621,
8623, 8624, 8625, 8629, 8631,
8633 and 8634 of 2022

PL (CO)
PM/22/04/2022