



W.P.No.28884 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.28884 of 2022

P.Dillibabu

.. Petitioner

Vs

1.The State of Tamilnadu,
rep. by its Principal Secretary,
Land Reforms,
Secretariat, Chennai.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

4.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District,
Kancheepuram.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the file pertaining to the notice dated 13.10.2021 of the second respondent and quash the same and consequently direct the second respondent to dispose of the representation dated 06.10.2021 in accordance with law.

For the Petitioner : Mr.S.Pugalenth

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

The petitioner has come to this court questioning the correctness of the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "the Act"].

2. Learned counsel for the petitioner submitted that the petitioner, being a poor person surviving on daily wages, has inherited the property in question from his father, who, apart from his ancestors, had been cultivating the land for several decades.



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3. It is submitted that when the petitioner and his family has been in possession of the land in question by paying the property tax to the competent authority, all of a sudden, the impugned notice has been issued stating that the land is classified as “Anadeenam Land” and, therefore, the petitioner has to vacate and handover the same to the respondent authorities.

4. Since learned counsel appearing for the petitioner claimed before us that the petitioner and his family members have been in possession of the land in question for more than six decades, we directed learned counsel for the petitioner to show any document to prove that the petitioner's family has been in possession of the land in question for at least ten years. However, learned counsel for the petitioner could not produce any document in support of his claim.

5. In view of the above, the impugned notice requiring the petitioner to vacate and handover the Anadeenam Land, which is not meant for dwelling purpose and exclusively meant for government use, cannot be found fault with.



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The writ petition fails and is therefore dismissed. There will be no order as to costs. Consequently, W.M.P.No.28178 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
02.11.2022

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sasi

To:

- 1.The Principal Secretary,
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Kancheepuram.
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- 4.The Tahsildar,
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T.RAJA, ACJ.
AND
D.KRISHNAKUMAR,J.

(sasi)

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