



W.P. No.27004 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.27004 of 2022

Desingu Rajan

... Petitioner

Vs

- 1.The District Collector
Office of Collectorate
Salem district
- 2.The Revenue Divisional Officer
Sankari Taluk, Salem district
- 3.The Tahsildar
Sankari Taluk, Salem district
- 4.The Revenue Inspector
Arasiramani Bit -1 Village
Thevoor Firka, Sankari Taluk
Salem district
- 5.The Village Administrative Officer
Arisiramani Bit 1 Village
Sankari Taluk Salem District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India

Page 1 of 5



W.P. No.27004 of 2022

praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the notice under Section 6 of Tamil Nadu Land Encroachment Act, 1905 dated 20.09.2022 issued by the 3rd respondent and quash the same and consequentially issue direction directing the respondents to consider the petitioner representation dated 12.03.2022.

For the Petitioner : Mr.R.Marudhachalamurthy
For the Respondents : Mr.P.Muthukumar,
State Government Pleader
for respondents 1 to 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, Thiru.Desingu Rajan, has come to this Court challenging the impugned order issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, (for brevity, 'the Act of 1905') dated 20.09.2022 and to quash the same, as unfair and unjustifiable.

2. It is brought to the notice of this Court that when a similar notice was issued to one Thiru.Rajan, adjacent land owner occupying a part of the same survey number, this Court, vide its order dated 29.09.2022, in W.P.No.26223 of 2022, taking note of the fact that the petitioner therein is having adequate and effective alternate statutory



W.P. No.27004 of 2022

WEB COPY

remedy under Section 10 of the Act of 1905, granted two week's time to the petitioner therein to approach the competent authority to file an appeal challenging the notice issued under Section 6 along with the stay application. Since the petitioner is also similarly placed as that of Thiru.Rajan, petitioner in WP No.26223 of 2022, similar direction is issued directing the petitioner to file an appeal along with the stay application under Section 10 of the Act of 1905, within two weeks. If any such appeal is filed within a period of two weeks, the same may be entertained by the District Collector, Salem District. The parties are directed to maintain status quo for a period of two weeks from today.

With the aforesaid, the writ petition is disposed of. No costs. Consequently, WMP No.26227 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
11.10.2022

Index: Yes/No
tar



W.P. No.27004 of 2022

WEB COPY To

- 1.The District Collector
Office of Collectorate
Salem district
- 2.The Revenue Divisional Officer
Sankari Taluk, Salem district
- 3.The Tahsildar
Sankari Taluk, Salem district
- 4.The Revenue Inspector
Arasiramani Bit -1 Village
Thevoor Firka, Sankari Taluk
Salem district
- 5.The Village Administrative Officer
Arisiramani Bit 1 Village
Sankari Taluk Salem District



WEB COPY



W.P. No.27004 of 2022

T.RAJA, ACJ,
and
D.KRISHNAKUMAR, J.

(tar)

W.P. No.27004 of 2022

11.10.2022