



W.P.(MD) Nos.25206 and 25207 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)Nos.25206 and 25207 of 2022

and

W.M.P.(MD)Nos.19297 and 19309 of 2022

1.P.Rajagopal

2.Thenmozhi

... Petitioners in W.P.(MD)No.25206 of 2022

1.P.Panneerselvam

2.T.Ganesan

3.P.Pradeep

4.P.Amutha

5.G.Nayagam

6.G.Palaniappan

7.P.Rajagopal

8.P.Meenambal

9.Thenmozhi

10.P.Baskar

... Petitioners in W.P.(MD)No.25207 of 2022

-Vs-

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- 1.The Commissioner,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai.
- 2.The District Collector,
Pudukkottai District.
- 3.The District Revenue Officer,
Pudukkottai District.
- 4.The Revenue Divisional Officer,
Pudukkottai.
- 5.The Tahsildar,
Alangudi Taluk, Pudukkottai District.

... Respondents
in W.P.(MD)No.25206 of 2022

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Revenue & Disaster Department,
St.George Fort, Chennai.



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2.The Commissioner,

Land Administration Department,

2nd Floor, Ezhilagam,

Chepauk, Chennai.

3.The District Collector,

Pudukkottai District.

4.The District Revenue Officer,

Pudukkottai District.

5.The Tahsildar,

Alangudi Taluk, Pudukkottai District.

... Respondents

in W.P.(MD)No.25207 of 2022

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relates to the impugned notice in Na.Ka.No.A1/4096/2021, dated 28.10.2022, issued by the 5th respondent relates to the alleged encroachment in S.Nos.2/10 and 28/1 & 2, respectively, in Seriyalur Zamin Village in Alangudi Taluk, Pudukkottai District and quash the same as it is arbitrary and illegal.



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For Petitioners : Mr.R.Suriyanarayanan

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader
(in both W.Ps.)

COMMON ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the eviction notices dated 28.10.2022 issued by the 5th respondent vide proceedings in Na.Ka.No.A1/4096/2021, these Writ Petitions have been filed.

2.On 08.11.2022, this Court has passed the following order:-

This Writ Petition has been filed by the petitioners, challenging the eviction notices, dated 28.10.2022, issued by the 5th respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, relating to Survey Nos.28/1 & 2 and 2/10 in Seriyalur Village, Alangudi Taluk, Pudukottai District.

2. The learned counsel for the petitioners submitted that the 2nd respondent has cancelled the 2C patta granted in favour of the petitioners on 02.09.2022 and challenging the



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3. Mr.S.P.Maharajan, learned Special Government Pleader, accepts notice on behalf of the respondents and seeks time to get further instructions.

4. Post the matter after two weeks.”

3.Today, when the matter was taken up for hearing, the learned Special Government Pleader for the respondents, on instructions, submitted that in the plaint in O.S.No.60 of 2022 filed by the petitioners before the learned District Sessions Judge, Alangudi, seeking permanent injunction in respect of the lands in question, the petitioners themselves have claimed that the lands in question are nothing but Temple, Kaadu, Kulam, and therefore, the 5th respondent is perfectly justified in issuing the impugned notices, as such, the interference of this Court is not required.



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4.At this juncture, the learned counsel for the petitioners submitted that it is suffice, if the petitioners are permitted to file appeals against the impugned notices before the authority concerned under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 with a direction to the authority concerned to dispose of the same on merits and in accordance with law, within a time frame, for which, the learned Special Government Pleader for the respondents is agreeable.

5.In view of the above, without going into the merits of the case, this Court permits the petitioners to file appeals along with stay applications under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 before the authority concerned, within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the authority concerned is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity to all the parties concerned, within a period of six (6) weeks thereafter. Till such time, status-quo prevailing as on date shall be maintained by the respondents.

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6.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] & [J.S.N.P., J.]

22.11.2022

Index : Yes / No

Internet : Yes / No

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To

1.The Secretary,
State of Tamil Nadu,
Revenue & Disaster Department,
St.George Fort, Chennai.

2.The Commissioner,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai.

3.The District Collector,
Pudukkottai District.

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