



W.P.(MD)No.26416 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**  
and  
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.26416 of 2022  
and  
W.M.P.(MD) No.20600 of 2022

R.Rajeshkumar

... Petitioner

Vs.

1.The District Collector,  
Thoothukudi District,  
Thoothukudi.

2.The Special Tahsildar,  
Adi Dravidar Welfare Scheme,  
Kovilpatti,  
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order in Na.Ka.A/SR1/2004 dated 19.10.2022 on the file of the 2<sup>nd</sup> respondent and quash the same.

For Petitioner

: Mr.K.Jeyamohan

For Respondents

: Mr.G.V.Vairam Santhosh  
Additional Government Pleader

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## **ORDER**

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, challenging the notice dated 19.10.2022, issued by the 2<sup>nd</sup> respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard Mr.K.Jeyamohan, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner submitted that the petitioner was granted a free house patta under the Adi Dravidar Welfare Scheme by the proceedings of the 2<sup>nd</sup> respondent dated 12.04.2001, in Survey No.479/1A, 481, 482/1 and 482/2, situated at Pandavarmangalam Village, Kovilpatti Taluk, and the impugned order is violative of the principles of natural justice as no notice was issued to him under Section 7 of the Land Encroachment Act, 1905, calling for his explanation.



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4. Admittedly, the writ petitioner has been served with a notice of eviction dated 19.10.2022 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, by the second respondent herein. Against the said notice, the petitioner has an effective alternative remedy to file an appeal before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

5. In view of the above, this Writ Petition stands disposed of with a direction to the petitioner to file an appeal and an application for stay along with enclosures of documents, so as to substantiate his case, before the 1<sup>st</sup> respondent - District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of three weeks from the date of receipt of a copy of this order and on receipt of the same, the 1<sup>st</sup> respondent is directed to consider the same, after affording an opportunity of hearing to the petitioner and any other parties, and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of the appeal. Till the disposal of the appeal or the stay application to be filed, the respondents are directed to maintain



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*status quo* prevailing as on date. No costs. Consequently, connected

Miscellaneous Petition is closed.

**[R.M.D., J.]      [J.S.N.P., J.]**  
**23.11.2022**

Internet : Yes / No

Index : Yes / No

sj

To

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**R.MAHADEVAN, J.**

and

**J.SATHYA NARAYANA PRASAD, J.**

sj

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