



WP No.2060 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.2060 of 2023

M.Suresh

... Petitioner

versus

1.The District Collector,
Thiruvallur District

2.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records pertaining to the impugned order bearing Na.Ka.No.4031/2022/Aa2 dated 03.01.2023 passed by the second respondent and quash the same.

For the Petitioner : Mr.G.Munivel,
for Mr.R.Udhayakumar

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



WP No.2060 of 2023

ORDER

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(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed against the impugned order issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. When the matter was taken up for hearing, Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents, objected to the very maintainability of the writ petition and submitted that only pursuant to the order passed by this Court in another writ petition, wherein direction was given to the Government to remove the encroachment made by the petitioner, the present impugned notice has been issued. A contempt petition has also been filed alleging inaction on the part of the Government in removing the encroachment. The writ petition is, therefore, not maintainable.

3. As against the notice issued under Section 6 of the Act of 1905, the petitioner has got a statutory remedy before the District Collector, under Section 10 of the Act of 1905. The petitioner has not



WP No.2060 of 2023

even filed a copy of the order passed by this Court directing the Government to remove the encroachment. Since the present impugned notice has been issued as a consequence of the order passed by this Court, we do not find any merits to entertain this writ petition. The writ petition, therefore, fails and the same is dismissed. There will be no order as to costs. Consequently, WMP Nos.2193 and 2194 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
30.01.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

- 1.The District Collector,
Thiruvallur District
- 2.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District



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WP No.2060 of 2023

T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

WP No.2060 of 2023

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