



W.P.No.1773 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.1773 of 2023

N.Kubendran

..

Petitioner

Vs.

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.
2. The District Revenue Officer
Thiruvannamalai District
Thiruvannamalai.
3. The Revenue Divisional Officer
Thiruvannamalai District
Thiruvannamalai.
4. The Tahsildar
Thiruvannamalai District
Thiruvannamalai.
5. The Revenue Inspector
Thiruvannamalai District
Thiruvannamalai.



W.P.No.1773 of 2023

6. The Village Administrative Officer
Thiruvannamalai District
Thiruvannamalai.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the issuance of the impugned notice by the fourth respondent under Section 6 dated 06.01.2023 (Form 6) issued under the Tamil Nadu Land Encroachment Act, 1905, quash the same and consequently, direct the respondents to consider the request of the petitioner to issue patta to his house situated in T.S.No.1720 (part) on land measuring 67.5 Sq.Meter at Vediappan Koil Street, Thiruvannamalai Town, Taluk and District.

For the Petitioner : Mr.N.Elumalai

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 6

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed challenging the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, by the fourth respondent.

2. According to the petitioner, he is residing with his family members in the house in the land in question for several decades and that he does not own any other residential building or land other than



W.P.No.1773 of 2023

WEB COPY

the present one. He has been paying the property tax regularly and has been provided with water connection and other amenities by the Thiruvannamalai Municipality. He has also taken steps to obtain patta by making representations to the revenue authorities. The land where he has put up construction is classified as Sarkar poramboke and the surrounding lands have been occupied by several persons. Some of the lands are classified as Kulam. Many of the occupants have obtained patta. While his representation seeking patta is pending, he has been issued with notices under Sections 7 and 6 of the Act. Hence, the above writ petition.

3. Learned counsel for the petitioner contended that when the appeal preferred by the petitioner is pending with the appellate authority, the fourth respondent ought not to have issued the impugned notice and therefore, the same is liable to be set aside.

4. This Court, taking note of the fact that the petitioner has filed the writ petition immediately after filing the appeal, by order dated 07.09.2022, directed the appellate authority to consider the appeal



W.P.No.1773 of 2023

expeditiously. While the said appeal is pending, the fourth respondent has issued the impugned notice which is uncalled for.

5. At this stage, learned State Government Pleader submitted that since the petitioner's appeal under Section 10 of the Act is pending before the first respondent, a direction may be issued to the first respondent to dispose of the appeal.

6. In view of the above, the writ petition is disposed of by setting aside the impugned notice dated 06.01.2023 and directing the first respondent to consider the appeal filed by the petitioner and to dispose of the same, on merits and in accordance with law, expeditiously. It is needless to mention that after the disposal of the appeal, the revenue authorities can proceed further. There will be no order of costs. Consequently, WMP No.1886 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
25.01.2023

Index : Yes/No
Neutral Citation : Yes/No

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Page 4 of 6



W.P.No.1773 of 2023

WEB COPY

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and
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W.P.No.1773 of 2023

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