



W.P.Nos.2823 and 2826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.2823 and 2826 of 2023

P.Saminathan

.. Petitioner in
W.P.No.2823/2023

C.Thulasimani

.. Petitioner in
W.P.No.2826/2023

Vs

1.The District Collector,
Erode District,
Erode.

2.The District Revenue Officer,
Erode District,
Erode.

3.The Tahsildar,
Modakurichi Taluk,
Modakurichi, Erode District.

4.The Land Revenue Inspector,
Arachalur, Modakurichi Taluk,
Erode District.

.. Respondents in
both WPs



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Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records connected with the Notices issued under Section 7 of the Act III, 1905 issued by the fourth respondent dated 1.11.2022 and quash the same and consequently direct the respondents to issue patta for the petitioners' lands situated in Vadugapatti E-Village in Survey No.1305/1 to the extent of 4.65 acres (petitioner in W.P.No.2823 of 2023) and Survey No.1308/1 to the extent of 3 acres (petitioner in W.P.No.2826 of 2023).

For the Petitioners : Mr.S.Ilamvaludhi

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

COMMON ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Calling in question the notices dated 1.11.2022 issued by the fourth respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "the Act"], the petitioners have filed the present writ petitions.

2. Mr.S.Ilamvaludhi, learned counsel appearing for the petitioners, would submit that the petitioners are in occupation of their respective lands for several years and a government order was



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also issued to issue pattas in their favour. When the petitioners were awaiting issuance of pattas, all of a sudden, the fourth respondent had issued notices under Section 7 of the Act and, therefore, the said notices have to be set aside, as the petitioners are not encroachers.

3. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the respondents, would submit that all that the petitioners have to do in response to the notices issued under Section 7 of the Act is to submit their explanations. It is further submitted that, if two weeks' time is granted, the fourth respondent shall consider the explanations submitted by the petitioners and pass appropriate orders in accordance with law. If the authorities are not satisfied with the explanations submitted by the petitioners, they will issue proceedings under Section 6 of the Act and as against the said proceedings, the petitioners can avail the appellate remedy under Section 10 of the Act before the first respondent and, therefore, the present writ petitions are not maintainable.

4. We find merit in the submission made by learned State Government Pleader. In response to the notices issued under Section



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7 of the Act, the petitioners have to submit their explanations and no appeals would lie against against the notices issued under Section 7 of the Act. Therefore, in our considered opinion, the writ petitions are not maintainable.

5. In such view of the matter, we dismiss of the writ petitions, however, by directing the fourth respondent to consider the explanations, if any, submitted by the petitioners in response to the notices issued under Section 7 of the Act and pass appropriate orders in accordance with law within two weeks from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, W.M.P.Nos.2946, 2947, 2949 and 2950 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
06.02.2023

Index : No
Neutral Citation : No
sasi



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To:

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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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