



W.P.No.3288, 3289, 3291 and 3292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.2.2023

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.3288, 3289, 3291 and 3292 of 2023

Amutha	...	Petitioner in W.P.No.3288 of 2023
Raji	...	Petitioner in W.P.No.3289 of 2023
Kesavan	...	Petitioner in W.P.No.3291 of 2023
M.A.Sankar	...	Petitioner in W.P.No.3292 of 2023

Vs.

- 1 The District Collector
Office of The District Collectorate,
Salem District.
- 2 The Executive Officer (cum) The President
of Village, Kottamettupatti Village,
Omalar Taluk, Salem District. ... Respondents in all W.Ps.

Prayer in all Writ Petitions :

The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the 2nd respondent not to disturb the petitioner till the disposal of the appeal pending and consequently this Court may be consider the petitioners representation dated 28.01.2023.

For Petitioner in all W.Ps. : Mr.S.Elaiyaraja
For Respondents in all W.Ps.: Mr.Karthik Jeganath, G.A.



W.P.No.3288, 3289, 3291 and 3292 of 2023

COMMON ORDER

WEB COPY

The prayer as sought for in all the writ petitions are similar in nature and directed against the very same respondents and hence, all the writ petitions are heard together and disposed of by common order.

2. The grievance of the petitioner is that notice under Sec.13(2) of Tamil Nadu Panchayat Act read with 56 and 57 of Town and Country Planning Act served on the petitioner. Since the petitioners have filed appeal against the notice before the appropriate authority, seeks direction to the respondents not to take any action till the appeals are disposed off.

3. At the outset, this Court is of the view that since the petitioner has encroached the property belongs to the Government, the respondents shall proceed against the petitioner under Sec.6 of Tamil Nadu Land Encroachment Act. Such view of the matter, it is well open to the petitioner to challenge the notice issued by the respondent. Admittedly, the petitioner has encroached the property, the petitioner cannot prevent the action taken by the respondent as per law. Revenue records also shows that the property belongs to the Government.

3. Accordingly, these writ petitions stand dismissed. No costs.

13.02.2023



W.P.No.3288, 3289, 3291 and 3292 of 2023

Neutral Citation: Yes/No

Speaking/Non Speaking order

Index: Yes/No

vaan

1 The District Collector

Office of The District Collectorate, Salem District.

2 The Executive Officer (cum) The President

of Village, Kottamettupatti Village, Omalur Taluk, Salem District.



WEB COPY



W.P.No.3288, 3289, 3291 and 3292 of 2023

N.SATHISH KUMAR, J.

vaan

W.P.No.3288, 3289, 3291 and 3292 of 2023

Dated: 13.2.2023