



WEB COPY



W.P.No.5988 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.5988 of 2023

K.Palanisamy

.. Petitioner

Vs.

1. The Secretary to Government
Housing Rural and Urban Development Department
Secretariat, Fort St. George
Chennai 600 009.

2. The District Collector
Office of the District Collector
Tiruppur District.

3. The Tahsildar
Palladam Taluka
Office of the Tahsildar
Palladam Taluk
Tiruppur District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records in connection with the impugned order, viz. Notice dated 16.02.2023 of the third respondent under Section 6 of 1905, Chennai Act III and quash the same.

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For the Petitioner : Mr.N.Sakthivel
For the Respondents : Mrs.R.Anitha
Special Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

Challenging the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, directing the petitioner to remove the encroachment made by him in S.No.738/52, this writ petition has been filed.

2. According the petitioner, he was allotted a house site under the poor and landless people quota, of an extent of 0.02.0 cents in S.No.223/10, New Survey No.738/52 and Site No.17. As per the conditional allotment, he has constructed a house within one year, obtained electricity connection and paying municipal tax regularly.

3. On 01.02.2023, a notice dated 01.02.2023 issued by the third respondent under Section of the Act 3 of 1905 was served on the petitioner, directing him to remove the toilet constructed in the

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Government Natham Poramboke land and submit his explanation. Accordingly, he submitted his detailed explanation on 02.02.2023. However, on 18.02.2023, he was service with second notice dated 16.02.2023 issued by the third respondent under Section 6 of the Act, directing to remove the construction in the encroached area, failing which, the same will be seized. Immediately, he submitted a detailed representation to the respondents on 18.02.2023. As he did not receive any response, he has come up with the above writ petition.

4. As against the notice issued under Section 6 of the Act, the petitioner cannot maintain the writ petition, as a remedy of appeal before the District Collector is provided under Section 10 of the Act. Hence, this writ petition is dismissed. However, the petitioner is at liberty to work out his remedy as per law. There will be no order as to costs. Consequently, WMP No.6002 of 2023 is also dismissed.

(T.R., ACJ.) (D.B.C., J.)
01.03.2023

Index : Yes/No
Neutral Citation : Yes/No

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

(kpl)

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