



W.P.Nos.8498 of 2023 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.8498, 8505, 8508 and 8511 of 2023

Sundaresan	.. Petitioner in WP.No.8498/2023
Raja	.. Petitioner in WP.No.8505/2023
Krishnan	.. Petitioner in WP.No.8508/2023
Subramani	.. Petitioner in WP.No.8511/2023

Vs

1. The District Collector
District Collector Office
Krishnagiri, Krishnagiri District.
2. The Thasildar
Thasildar Officer
Krishnagiri, Krishnagiri District.
3. The Revenue Inspector
Revenue Inspector Office
Krishnagiri, Krishnagiri District.

.. Respondents



W.P.Nos.8498 of 2023 etc.

Prayer: W.P.No.8498 of 2023 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent not to evict the petitioner from the cultivating land and to direct the second respondent to issue patta to the petitioner's land bearing Survey No.381 classified as Government Land admeasuring an extent 0.23.20 hectare approximately 0.58 cent situated at Souttahalli Village, Periyamuthur, Vinayagapuram Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 27.01.2023.

Prayer: W.P.No.8505 of 2023 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent not to evict the petitioner from the cultivating land and to direct the second respondent to issue patta to the petitioner's land bearing Survey No.381 classified as Government Land admeasuring an extent 0.65.50 hectare approximately 1.63 cent situated at Souttahalli Village-2, Periyamuthur, Vinayagapuram Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 30.01.2023.

Prayer: W.P.No.8508 of 2023 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent not to evict the petitioner from the cultivating land and to direct the second respondent to issue patta to the petitioner's land bearing Survey No.381 classified as Government Land admeasuring an extent 0.60.00 hectare approximately 1.5 cent situated at Souttahalli Village, Periyamuthur, Vinayagapuram Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 27.01.2023.

Prayer: W.P.No.8511 of 2023 filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent not to evict the petitioner from the cultivating land and to direct the second respondent to issue patta to the petitioner's land bearing Survey No.381 classified as Government Land admeasuring an extent 0.23.20 hectare approximately 0.58 cent situated at Souttahalli Village, Periyamuthur, Ramarpatnam Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 28.01.2023.



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For the Petitioners : Mr.V.Balamurugan
in all WPs
For the Respondents : Mr.P.Muthukumar
in all WPs State Government Pleader

ORDER

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

The petitioners have filed these writ petitions seeking issuance of a writ of mandamus directing the second respondent not to evict the petitioners from the cultivating lands and further direct the second respondent to issue pattas to the petitioners in respect of the land bearing Survey No.381 classified as government land (i) admeasuring an extent 0.23.20 hectare approximately 0.58 cent situated at Souttahalli Village, Periyamuthur, Vinayagapuram Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 27.01.2023 [in W.P.No.8498 of 2023]; (ii) admeasuring an extent 0.65.50 hectare approximately 1.63 cent situated at Souttahalli Village-2, Periyamuthur, Vinayagapuram Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 30.01.2023 [in W.P.No.8505 of 2023]; (iii) admeasuring an extent 0.60.00 hectare approximately 1.5



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cent situated at Souttahalli Village, Periyamuthur, Vinayagapuram Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 27.01.2023 [in W.P.No.8508 of 2023]; and (iv) admeasuring an extent 0.23.20 hectare approximately 0.58 cent situated at Souttahalli Village, Periyamuthur, Ramarpatnam Village, Krishnagiri Taluk, Krishnagiri, by considering the representation of the petitioner dated 28.01.2023 [in W.P.No.8511 of 2023].

2. Mr.V.Balamurugan, learned counsel appearing on behalf of the petitioners, would submit that the petitioners and his ancestors are cultivating the lands in question for more than 100 years and are paying appropriate tax to the government. While so, the third respondent issued proceedings under Section 6 of the Tamil Nadu Land Encroachment Act 1908 requiring the petitioners to vacate from the lands in question. Therefore, the petitioners have been advised to file these writ petitions.

3. If the petitioners are aggrieved by the proceedings issued under Section 6 of the Act, the remedy by way of a statutory appeal



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lies before the first respondent/District Collector under Section 10 of the Act. Without exhausting such appellate remedy available, the present writ petitions are not maintainable.

For the foregoing reason, these writ petitions are dismissed. However, giving liberty to the petitioners to avail the statutory appellate remedy available to them. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
20.03.2023

Index : No
Neutral Citation : No
sasi

To:

1. The District Collector
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