



Rev.Aplw.No.231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Rev.Aplw.No.231 of 2023

1. G.Murugan
2. M.Umapathy

.. Applicants

Vs.

1. K.Kathirivel
2. Additional Personal Assistant to Collector (Land)
District Collector Office, Salem District.
3. Revenue Inspector
Veerapandi Firka, Salem South Taluk
Salem District.
4. Tahsildar
Salem South Taluk, Salem District.

5. Bomma Naicker

.. Respondents

Prayer: Petition filed under Order XLVII, Rule 1 of the Code of Civil Procedure, 1908 r/w Section 114 of the Code of Civil Procedure, 1908 seeking review of the order dated 14.12.2022 in W.P.No.33555 of 2022.



Rev.Aplw.No.231 of 2023

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For the Applicants : Mr.G.K.R.Pandiann

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for R2 to R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.K.R.Pandiann, learned counsel for the applicants and
Mrs.R.Anitha, learned Special Government Pleader for respondents 2
to 4.

2. The application is filed seeking review of the order dated
14.12.2022 in W.P.No.33555 of 2022.

3. This Court has not adjudicated about any encroachment in
existence. It only states that notice under Section 7 of the Tamil Nadu
Land Encroachment Act, 1905 [for brevity, "the Act of 1905"] is issued,
however, subsequent order under Section 6 of the Act of 1905 is not
passed. After issuance of notice under Section 7 of the Act of 1905,
naturally, the party to whom the said notice is issued has an
opportunity to file a say along with all the relevant documents relied by



Rev.Aplw.No.231 of 2023

WEB COPY

him. The authority has to consider the say and the documents before passing orders under Section 6 of the Act of 1905.

4. Learned counsel for the applicants submits that patta is issued in favour of the present applicants. Naturally, all these aspects have to be considered by the authority, before passing orders under Section 6 of the Act of 1905.

5. In the light of that, the review application need not be considered on merits. The review application, accordingly, stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

15.12.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

Page 3 of 5



Rev.Aplw.No.231 of 2023

WEB COPY

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(drm)

Rev.Aplw.No.231 of 2023

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