



WEB COPY



W.P.No.22603 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.22603 of 2023

1.M.Devaraj
2.M.Govindasamy
3.M.Parasuraman

.. Petitioners

Vs

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.

3.The Tahsildar,
R.K.Pet Taluk,
R.K.Pet, Tiruvallur District.

4.The Revenue Inspector,
Erumbi Firka,
R.K.Pet Taluk,
R.K.Pet, Tiruvallur District.
Respondents

..



W.P.No.22603 of 2023

WEB COPY

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents not to dispossess the petitioners from the possession of the lands comprised in Survey No.155, Mylarwada Village without following due process of law and without complying with the directions issued to the respondents by this Court vide order dated 9.11.2021 made in W.P.No.23889 of 2021.

For the Petitioners : Mr.T.P.Prabakaran

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader

ORDER

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

We have heard Mr.T.P.Prabakaran, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that without



W.P.No.22603 of 2023

conducting an enquiry, notice Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, "*the Act of 1905*") has been issued. No order under Section 6 of the Act of 1905 has been passed as yet. The respondent authorities have entered into the lands of the petitioners and destroyed the crops.

3. Learned State Government Pleader submits that as far as the land in Survey No.155 is concerned, the same is a burial ground. The land adjacent to it is owned by the petitioners and the same is a patta land. However, the petitioners have encroached upon the burial ground. The said encroachment is removed. Today, there is no encroachment on the burial ground. Learned State Government Pleader further submits that the burial ground has been fenced.

4. The petitioners have not placed on record the order under Section 6 of the Act of 1905. If any order under Section 6 of the Act of 1905 is passed, the petitioners have a right of appeal under Section 10 of the Act of 1905.

5. If the petitioners are aggrieved, it is for them to take



W.P.No.22603 of 2023

appropriate steps in accordance with law.

WEB COPY

6. With these observations, the writ petition stands disposed of.
There will be no order as to costs. Consequently, W.M.P.No.22036 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

01.08.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr

To:

- 1.The District Collector,
Tiruvallur District,
Tiruvallur.
- 2.The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.
- 3.The Tahsildar,
R.K.Pet Taluk,
R.K.Pet, Tiruvallur District.
- 4.The Revenue Inspector,
Erumbi Firka,
R.K.Pet Taluk,
R.K.Pet, Tiruvallur District.



W.P.No.22603 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEAVALU,J.

bbr

W.P.No.22603 of 2023

01.08.2023