



W.P.Nos.13746 of 2023 & 30438 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM :

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

AND

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

W.P.Nos.13746 of 2023 and
30438 of 2022

H.K.Shashi Kumar	..	Petitioner in W.P.No.13746 of 2023
Madhappa	..	Petitioner in W.P.No.30438 of 2022

Vs.

1. The District Collector
Krishnagiri District
Krishnagiri.
2. The District Revenue Officer
Krishnagiri District
Krishnagiri.
3. The Sub Collector
Hosur, Krishnagiri District.
4. The Tahsildar
Denkanikottai Taluk
Krishnagiri District.

5. Madhappa	..	Respondents in W.P.No.13746 of 2023
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1. Madhappa

Respondent in
.. W.P.No.30438 of 2022

Prayer in 13746 of 2023: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the 5th respondent in Pattai Poramboke comprised in Survey Nos.150/2 and 151 in Gupatti Village, Denkanikottai Taluk, Krishnagiri District and consequently to restore the original length and width of the Pattai as existing in the Revenue records within the time limit fixed by this Honourable Court based on the representation of the petitioner dated 9.06.2022 to the 1st respondent and he same was forwarded to the 4th respondent Tahsildar, Denkanikottai Taluk;

Prayer in 30438 of 2023: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the entire records relating to the order dated 18.10.2022 made in Na.Ka.4662/ 2022/ B1 on the file of the respondent herein and quash the same.

For the Petitioner in : Mr.Ravichandran Sundaresan
W.P.No.13746 of 2023

For the Petitioner in : Mr.G.Munusamy
W.P.No.30438 of 2022

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mr.K.Karthick Jegannath
Government Advocate
for R1 to R4 in W.P.No.13746 of 2023
and for R1 in W.P.No.30438 of 2022



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COMMON ORDER

(Made by the Hon'ble Chief Justice)

We heard Mr.Ravichandran Sundaresan and Mr.G.Munusamy, learned counsel appearing for the respective petitioners in respective petitions and Mr.P.Muthukumar, learned State Government Pleader assisted by Mr.K.Karthick Jegannath, learned Government Advocate for respondents 1 to 4 in W.P.No.13746 of 2023 and for respondent 1 in W.P.No.30438 of 2022.

2. W.P.No.13746 of 2023 is filed seeking a direction to the official respondents to remove the encroachment made by the fifth respondent. The fifth respondent in W.P.No.13746 of 2023 has filed W.P.No.30438 of 2022, challenging the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, hereinafter referred to as "the Act").

3. Learned counsel for the petitioner in W.P.No.30438 of 2022 submits that before passing the order under Section 6 of the Act, no notice under Section 7 of the Act was served upon him, as such, the



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order itself is bad in law and without adhering to the principles of natural justice.

4. Status report is filed by the fourth respondent / Tahsildar, who states that notice under Sections 6 & 7 of the Act were served.

5. We may not enter into the said dispute here. The person, against whom the order under Section 6 of the Act is passed, has a remedy to file an appeal under Section 10 of the Act.

6. In case, an appeal is filed within ten days from today, the same may be considered by the Authority, in view of the fact that the writ petitions were pending before this Court. The Authority shall decide the appeal on its own merits and in accordance with law after considering the contentions of the parties.



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There will be no order as to costs. Consequently, W.M.P.No.29870 of 2022 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

03.08.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The District Collector
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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