



W.P.No.15728 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

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

AND

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

W.P.No.15728 of 2023

Chinnathambi

.. Petitioner

Vs.

1. The District Collector
Kallakurichi.
2. The Executive Officer/Panchayat President
T.Athipakkam Panchayat Union
Thirukoilur Taluk
Kallakurichi.
3. The Block Development Officer
Village Panchayat, Thirukoilur
Kallakurichi.
4. The Revenue Tahsildar
Thirukoilur, Kallakurichi.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari Mandamus to call for the records on the file of the first respondent in proceedings Nil dated Nil confirming the



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order of the second respondent in proceedings No.Nil dated 23.03.2023 issued under Section 6 of Act 1905 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to pay damages for the respondents of Rupees Twenty five lakhs (Rs.25,00,000/-) for illegally demolishing the building of the petitioner situate at New Survey No.265, Grama Natham Survey No.93/1, T.Athipakkam, Thirukoilur, measuring 800 square meter.

For the Petitioner : Ms.R.Poornima

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondents 1, 3 & 4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.R.Poornima, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents 1, 3 and 4.

2. Learned counsel for the petitioner submits that the order



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passed under Section 6 of the Land Encroachment Act was challenged by filing an appeal under Section 10 before the District Collector. The District Collector did not hear the petitioner and from the website of the office of the District Collector, it is noticed that the appeal is disposed of.

3. There is a dispute as to the nature of the property. The petitioner contends that the property is a Grama Natham. Whereas, according to the Government, the property is a street. It appears that the appeal of the petitioner has been disposed of without issuing notice to the petitioner.

4. The District Collector shall decide the appeal filed by the petitioner on 27.03.2023, on its own merits and in accordance with law expeditiously. The petitioner shall appear before the Collector on 03.08.2023. The Collector shall pass orders after hearing the petitioner.

5. With regard to the prayer for compensation, the petitioner



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may approach the competent civil Court or such other forum as may be permissible under law.

6. The writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.15197 and 15199 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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

(kpl)

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