



W.P.No.16020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2023

CORAM :

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

AND

THE HON'BLE MS.JUSTICE R.N.MANJULA

W.P.No.16020 of 2023

Dr.K.Umapathy

.. Petitioner

Vs

1.The District Collector,
Tiruvarur District,
Tiruvarur-610 001.

2.The Tahsildar,
O/o The Tahsildar,
Thiruthuraipoondi,
Tiruvarur District-614 713.

3.The Village Administrative Officer,
Manali Village Post,
Thiruthuraipoondi Taluk,
Tiruvarur District-610 203.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents, their subordinates and officials from dispossessing the petitioner from S.No.85/3 measuring 25 ares at Manali Village, Thiruthooraiipoondi Taluk, Tiruvarur District, without following the



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procedure contemplated in the Tamil Nadu Land Encroachment Act, 1905 and as per the order of this Hon'ble Court dated 11.07.2001 in W.P.No.13417 of 1994.

For the Petitioner : Mr.A.Muthukumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

Dr.K.Umapathy, son of Kunjithapatham, a resident of Thiruthuraipoondi Taluk, Tiruvarur District, has filed this writ petition seeking issuance of a writ of mandamus to forbear the respondents, their subordinates and officials from dispossessing the petitioner from the land comprised in S.No.85/3 measuring an extent of 25 ares situate at Manali Village, Thiruthooraiipoondi Taluk, Tiruvarur District, without following the procedure contemplated under the Tamil Nadu Land Encroachment Act, 1905 and as per the order of this Court dated 11.7.2001 passed in W.P.No.13417 of 1994.



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2. Mr.A.Muthukumar, learned counsel for the petitioner, would submit that when the petitioner has been in possession and enjoyment of the land in question for several decades, the respondents, without issuing any notice under Section 7 of the Act, are proceeding to interfere with his possession and enjoyment of the property.

3. In reply, Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents, submitted that the petitioner has approached this Court without any basis, as till date the respondents have not initiated any action against the petitioner. If notice under Section 7 of the Act is issued to the petitioner, time will be granted to him to submit an explanation and if the explanation submitted by the petitioner is found not acceptable, further proceedings under Section 6 of the Act of 1905 would be issued. He further submitted that, in the case on hand, no notice has been issued to the petitioner and only based on surmises and conjectures the present writ petition has been filed and, therefore, it is liable to be dismissed.



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4. It is not in dispute that till date no action has been initiated by the respondents against the petitioner. Therefore, finding no basis or cause of action for filing this writ petition, the same is dismissed as premature. Needless to mention that if the respondents intend to proceed against the petitioner, it shall be only after issuance of notice as contemplated under law. There will be no order as to costs. Consequently, W.M.P.No.15462 of 2023 is closed.

(T.R., ACJ.) (R.N.M., J.)
24.05.2023

Index : Yes/No
Neutral Citation : Yes/No
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