



W.P.No.21302 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM :

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

AND

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

W.P.No.21302 of 2023

V.Kolanji

.. Petitioner

Vs.

1. The District Collector
Kallakurichi District
Kallakurichi.

2. The Tahsildar
Sankarapuram Taluk Office
Kallakurichi District.

3. K.Elaiyaperumal

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for entire records connected with the second respondent's impugned eviction notice Na.Ka.A4/26/26/2023 dated 23.06.2023 issued under Section 6 of the Tamil Nadu Land encroachment Act, 1905 and quash the same as illegal and arbitrary, consequently direct the second respondent to



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consider the petitioner's explanation dated 25.04.2023 to the Show Cause Notice dated 19.04.2023 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

For the Petitioner : Mr.G.Balamanikandan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader
for Respondents 1 & 2

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.G.Balamanikandan, 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 and 2.

2. Learned counsel for the petitioner submits that notice under Section 7 of the Land Encroachment Act was issued. The petitioner filed reply giving explanation. The said reply is not considered while passing the order under Section 6 of the Act. In view of that, the present writ petition is filed.

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3. Learned State Government Pleader submits that the petitioner has remedy under Section 10 of the Act. All these points can be raised by the petitioner in an appeal filed under Section 10 of the Act.

4. In the light of that, the writ petition is disposed of, with liberty to the petitioner to avail alternative remedy. In that event, all contentions are kept open. There will be no order as to costs. Consequently, W.M.P.No.20703 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

20.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
Kallakurichi District, Kallakurichi.
2. The Tahsildar
Sankarapuram Taluk Office, Kallakurichi District.



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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESSAVALU, J.

(kpl)

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