



W.P.No.22899 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.22899 of 2023

N.Mani

Vs.

.. Petitioner

1. Additional Principal Secretary (M)
Commissioner of Land Administration
Department of Land Administration
Land Administration Ananayarakam
Ezhilakam, Chepakkam, Chennai 600 005.

2. District Collector Tirupathur
District Collector Office
Tirupathur District, Pin 635 601.

3. District Revenue Vattachir
District Collector Office
Tirupathur District, Pin 635 601.

4. District Revenue Commissioner
District Collector Office
Tirupathur District, Pin 635 601.

5. R.Anumuthu

6. Mohana

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st to 4th respondents to take appropriate penal action against the 5th & 6th respondents for permitting illegal encroachments and appropriate penal action against the 5th respondent for permitting the illegal for initiating action against the encroachers and unauthorised cultivators in the Government land bearing No.130(1A) at Sevvathur Village, Tirupattur Taluk, Tirupattur District expeditiously in accordance with law.

For the Petitioner : Mr.M.Dhandapani

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1 to 4

Mr.M.Sivavarthanan
for Respondent-5

No appearance
for Respondent-6

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Dhandapani, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 4 and Mr.M.Sivavarthanan, learned counsel for the fifth respondent.



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2. A status report is filed by the Tahsildar, Tirupattur Taluk. It is stated that the fifth respondent has encroached the land in S.No.130/1A. The show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to the fifth respondent on 11.08.2023. Thereafter, order under Section 6 was passed on 28.08.2023.

3. Learned Special Government Pleader submits that steps would be taken within two weeks to remove the encroachment. In fact, the writ land is a patta land and the fifth respondent has a right of appeal under Section 10 of the Act of 1905.

4. The order passed under Section 6 of the Act of 1905 is dated 28.08.2023. It is for the fifth respondent to take steps as may be permissible under law.

5. In case the order of stay is not passed by any competent authority, then, the respondent authorities are bound to proceed ahead pursuant to the order under Section 6 of the Act of 1905.



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6. With the aforesaid observation, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.22389 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

17.10.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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THE HON'BLE CHIEF JUSTICE
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