



WP No.21834 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM :

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

AND

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

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C.Poongavanam : Petitioner

versus

- 1.The District Collector,
Thriuvallur District.
- 2.The Tahsildar,
Ponneri Taluk, Thriuvallur District.
- 3.The Revenue Inspector,
Sholavaram Firka, Ponneri Taluk,
Thriuvallur District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the notice dated 10.07.2023 in Na.Ka./2017/AA2, on the file of the third respondent and quashing the same as null and void.

For the Petitioner : Mr.V.Ragavachari
Senior Counsel,
for Mr.P.Raja

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

ORDER

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(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.V.Raghavachari, learned Senior Counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 3.

2. The petitioner is challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, (for short, 'the Act').

3. Mr.V.Raghavachari, learned Senior Counsel for the petitioner submits that the land in question is a grama natham. The Revenue Inspector would not possess jurisdiction to invoke the provisions of the Act. The said Act would apply only if the land is a poromboke land. As the Act itself does not apply, the notice is non-est in law.

4. The notice issued is a show-cause notice. The petitioner would have an opportunity to file reply to the said show-cause notice and raise all possible defences available to him. The authority, naturally, will have to consider the grounds raised by the petitioner, including the ground of the authority not possessing jurisdiction to

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invoke the provisions of the Tamil Nadu Land Encroachment Act, and take a decision on its own merits.

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5. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.21160 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

26.07.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

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