



WEB COPY

W.P.Nos.22185 to 22187, 22189 & 22190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

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

AND

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

W.P.Nos.22185 to 22187, 22189 & 22190 of 2023

Maarimuthu	..	Petitioner in WP No.22185/23
M.Rajendiran	..	Petitioner in WP No.22186/23
Mani	..	Petitioner in WP No.22187/23
Ranjith	..	Petitioner in WP No.22189/23
Pappayi	..	Petitioner in WP No.22190/23

Vs.

1. The District Collector Salem District.	
2. The Panchayat President Panchayat Union Salem District.	.. Respondents



W.P.Nos.22185 to 22187, 22189 & 22190 of 2023

Prayer: Petitions filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records relating to impugned notice dated 25.04.2023 issued by the second respondent herein to the petitioners under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same.

For the Petitioners in all W.Ps.	: Mr.Nelso Britto For M/s. Karan and Uday
For the Respondents in all W.Ps.	: Mr.P.Muthukumar State Government Pleader Assisted by Mrs.R.Anitha Special Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Nelson Britto, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The petitioners are challenging the order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. According to learned counsel for the petitioners, the authority passing the order does not have jurisdiction.



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4. Learned State Government Pleader submits that the petitioners have a remedy under Section 10 of the Act, by way of an appeal.

5. The petitioners can raise all the grounds available to them, including the jurisdiction of the authority passing the order. Naturally, the grounds raised by the petitioners would be considered by the appellate authority.

6. The writ petitions are disposed of. The petitioners are at liberty to avail the alternative remedy. In that event, all the contentions are kept open. There will be no order as to costs. Consequently, W.M.P.Nos.21573, 21574, 21575, 21577, 21581, 21583, 21576, 21578, 21580 and 21582 of 2023 are closed.

(S.V.G., C.J.)

(P.D.A., J.)

28.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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