



W.P.No.22714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM :

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

AND

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

W.P.No.22714 of 2023

N.SHANKAR

..

Petitioner

Vs

- 1 THE DISTRICT COLLECTOR
NAMAKKAL DISTRICT,
NAMAKKAL.
- 2 THE TAHSILDAR
THIRUCHENGODE TALUK
NAMAKKAL DISTRICT.
- 3 PACHAIMUTHU
THASILDHAR
THIRUCHENGODE TALUK
NAMAKKAL DISTRICT.
- 4 PRABHAVATHI
REVENUE INSPECTOR
VAIYAPPA MALAI REVENUE FIRKA
THIRUCHENGODE TALUK
NAMAKKAL DISTRICT.



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5 SIVAGAMI
VILLAGE ADMINISTRATIVE OFFICER
MARAPARAI VILLAGE
THIRUCHENGODE TALUK
NAMAKKAL DISTRICT.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring that the removal of encroachment by the respondents dated 06.07.2023 in the land comprising S.No.237/12 measuring an extent of 1476 Square Feet of land situated at Maraparai Village, Thiruchengode Taluk, Namakkal District based on the notice dated 06.06.2023 as null and void, unconstitutional and ultra vires.

For the Petitioner	: Mr.Ashokkumar for Mr.C.Prabakaran
For the Respondents	: Mr.P.Muthukumar State Government Pleader assisted by Mr.K.Karthik Jagannath Government Advocate for respondents 1 and 2

ORDER

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

We have heard Mr.Ashokkumar, learned counsel for the petitioner, and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.K.Karthik Jagannath, learned Government Advocate for respondents 1 and 2.



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2. Learned counsel for the petitioner submits that notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to the petitioner. The petitioner filed an objection. The same is not considered and the petitioner is wrongfully evicted on 6.7.2023.

3. Learned State Government Pleader submits that order under Section 6 of the Act was passed on 23.6.2023 and thereafter the petitioner was evicted on 6.7.2023 by the Firka Revenue Inspector. Survey No.237/12 is classified as Government Poramboke Sandhu. The petitioner had made encroachment to an extent of 0.0144.0 sq. mtrs. by fencing.

4. Be that as it may, as the order under Section 6 of the Act is already passed, the petitioner has a remedy of appeal under Section 10 of the Act. The petitioner may avail such remedy. In that event, all contentions are kept open.



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5. The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.Nos.22163 and 22165 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

03.08.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

- 1 THE DISTRICT COLLECTOR
NAMAKKAL DISTRICT,
NAMAKKAL.
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NAMAKKAL DISTRICT.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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