



W.P.No.26541 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM :

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

AND

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

W.P.No.26541 of 2023

M.A.Sankar

.. Petitioner

Vs.

1. The District Collector
O/o. The District Collector
Salem District.
2. The Revenue Thasildar
Omalur Taluk Office
Salem District.
3. The Revenue Inspector
O/o. Revenue Inspector Office
Omalur Taluk, Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records on the file of the third respondent pertaining to the impugned notice issued dated 27.06.2023 under Section 7 of Tamil Nadu Land Encroachment (III Act 1905) Act and quash the same and consequently directing the respondents not disturb the petitioner till the disposal of the appeal pending before the first respondent herein.



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For the Petitioner : Mr.G.Munuraj
For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mr.K.M.D.Muhilan
Additional Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.Munuraj, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader assisted by Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents.

2. The petitioner is challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, hereinafter referred to as, "the Act of 1905"). Learned counsel for the petitioner submits that he has filed a reply to the same.

3. After the notice under Section 7 of the Act of 1905 is issued, the Authority has to consider the reply filed by the petitioner and thereafter, pass an order under Section 6 of the Act of 1905. If the order under Section 6 of the Act of 1905 is passed against the petitioner, the petitioner has a remedy of appeal under Section 10 of



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the Act of 1905.

4. As the petitioner is only challenging the notice issued under Section 7 of the Act of 1905, we are not inclined to entertain the present petition.

5. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.25939 & 26474 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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O/o. The District Collector, Salem District.
2. The Revenue Thasildar
Omalur Taluk Office, Salem District.
3. The Revenue Inspector
O/o. Revenue Inspector Office
Omalur Taluk, Salem District.

THE HON'BLE CHIEF JUSTICE
AND



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P.D.AUDIKESAVALU, J.

(drm)

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