



W.P.No.27898 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM :

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

AND

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

W.P.No.27898 of 2023

Paramasivam Chinnasamy

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by Secretary to the Government
Revenue and Disaster Management Department
Secretariat, Chennai – 600 009.

2. The State of Tamil Nadu
Rep. by Additional Chief Secretary to Govt.
Animal Husbandary, Dairying and Fisheries Dept.
Secretariat, Chennai – 600 009.

3. The District Collector
1st Floor, Collectorate Building
Salem Main Road
Dharmapuri – 636 705.

4. The Tahsildar
Taluk Office New Building
Karimangalam
Dharmapuri – 635 111.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice issued by the fourth respondent dated 23.8.2023 and quash the same as illegal, and further direct the respondents to obtain one cent or more from the patta land of the petitioner in Survey No.285/3B equivalent to the Meikkal Poramboke land of one cent occupied by the petitioner as house property in Survey No.284 and grant patta for the occupied one cent of land in Survey No.284 in favour of the petitioner.

For the Petitioner : Ms.J.Madhumitha

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mr.K.Karthik Jegannath
Government Advocate

ORDER

(Made by the Hon'ble Chief Justice)

Heard Ms.J.Madhumitha, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader assisted by Mr.K.Karthik Jegannath, learned Government Advocate for the respondents.

2. The petitioner is assailing the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, hereinafter



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WEB COPY referred to as "the Act of 1905").

3. Learned counsel for the petitioner submits that the land in question, according to the impugned order, is a Meikkal poromboke, which means the land is meant for grazing. Learned counsel relies upon the Government Order in G.O.Ms.No.318, Revenue and Disaster Management Department dated 30.08.2019 to submit that the encroachment on such land can be regularised and also relies upon the judgment of the Division Bench of this Court in W.P.No.19286 of 2021 dated 02.02.2022. According to learned counsel for the petitioner, the petitioner has given an application for regularisation in the year 2019.

4. Learned State Government Pleader submits that the petitioner has a remedy under Section 10 of the Act of 1905.

5. The petitioner has a remedy of a statutory appeal under Section 10 of the Act of 1905. All these facts can be placed before the Appellate Authority, which naturally the Appellate Authority shall consider on its own merits. The petitioner may also prosecute his



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application for regularisation with the Appellate Authority and the Appellate Authority may consider the said application and pass orders on its own merits expeditiously. All contentions of the parties are kept open.

6. With the aforesaid observation, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.27392 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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

(drm)

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