



WP No.28447 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M.Thirupathi

: Petitioner

versus

1.The District Collector cum Administrative Judge,
Namakkal District

2.The Revenue Divisional Officer,
Namakkal Division, Namakkal District

3.The Tahsildar,
Namakkal TK & District

4.The Revenue Inspector,
Puthuchatram Firka
Namakkal TK & District

5.The Block Development Officer,
Puthuchatram Firka
Namakkal TK & District

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 and 2 to consider the representation dated 12.05.2022 and consequently direct the respondents not to remove the temple (Kaliyamman Temple) and a well for public drinking water usages are occupied 21 sq.meter and 18



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sq.meter temple shed respectively on sharpened side of cart-way in Navani Village in S.No.543.

For the Petitioner : Mr.A.Prabakaran
For Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha, Spl.G.P.

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Prabakaran, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. The learned counsel for the petitioner submits that an order is passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. However, no notice was issued to the petitioner. The learned counsel submits that the petitioner has filed a representation to the District Collector on 12.05.2022, instead of filing an appeal.

3. The District Collector, Namakkal District, may treat the said representation as an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and take a decision upon the said appeal,



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expeditiously. The petitioner shall appear before the District Collector, Namakkal District on 18.10.2023. The District Collector shall thereafter hear the petitioner and decide the appeal on its own merits.

4. The writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

05.10.2023

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

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THE HON'BLE CHIEF JUSTICE

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