



WP No.29246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.29246 of 2023
and WMP No.28850 of 2023

M.Rajkumar

.. Petitioner

-VS-

1. The District Collector,
Coimbatore District.
2. The Tahsildar,
Kinathukadavu Taluk,
Coimbatore District.
3. The Revenue Inspector,
Vadachitoor Firka,
Coimbatore District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice dated 22.08.2023, issued by the 2nd respondent under Sec.6 of the T.N.Land Encroachment Act, 1905 and quash the same as illegal, arbitrary, without jurisdiction and violation of principles of natural justice and consequentially direct the respondents 1 to 3 herein not to initiate any proceedings with respect to the subject matter property in Natham Survey No.643/11 in sirukalandhai Village, Kinathukadavu Taluk, Coimbatore District.



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For the Petitioner : Mr.P.Dinesh Kumar

For the Respondents : Mrs.R.Anitha,
Special Government Pleader,

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Dinesh Kumar, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader, for the respondents.

2. The petition is filed challenging the notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The contention of the petitioner is that notice under Section 7 of the Act is not issued. Yesterday, we had asked the learned State Government Pleader to verify the said fact. Today, the learned Special Government Pleader submits that notice under Section 7 was issued to the petitioner on 31.07.2023.



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3. According to the learned counsel for the petitioner, notice under Section 7 was never served upon the petitioner. The further contention of the petitioner is that the property in question is a Natham street.

4. All these aspects can be considered in the appeal that may be filed by the petitioner against the order/notice under Section 6 of the Act of 1905.

With the liberty to the petitioner to file an appeal under Section 10 of the Act of 1905, the writ petition is disposed of. There will be no order as to costs. Consequently, WMP No.28850 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The District Collector,
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