



W.P.No.31636 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31636 of 2023

M.Pichaimuthu

.. Petitioner

Vs.

1. The District Collector
Collector Office
Perabalur, Pincode – 621 212.
2. The Revenue Divisional Officer
Perambalur, Pincode – 621 212.
3. The Tahsildar
Taluk Office, Veppanthattai
Perambalur District.
4. The Revenue Inspector
R.I. Office, Pasumbalur
Veppanthattai (Taluk)
Perambalur District.
5. Muthusamy

.. 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 the impugned order passed by the fourth respondent under Section 7 of the Madras III Act, 1905 dated 30.01.2023 and quash the same and consequently direct the respondents to remove the metal road laid by the fifth respondent in the petitioner's land with the help of the respondents 3 and 4.

For the Petitioner : Mr.K.Murugesan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1 to R4

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.K.Murugesan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 4.

2. The petitioner is challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "the Act of 1905"].

3. Notice under Section 7 of the Act of 1905 is only a show cause notice. It is submitted that the petitioner has filed a reply to the said



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notice. Naturally, the authority is required to consider the reply before proceeding under Section 6 and if the orders passed are adverse to the interest of the petitioner, then the petitioner has a remedy of appeal under Section 10 of the Act of 1905.

4. In case the petitioner claims encroachment, the petitioner is at liberty to get his land measured by paying necessary fees and in accordance with law.

5. In the light of the aforesaid, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

03.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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(drm)

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