



W.P.No.30115 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30115 of 2023

Selvi

.. Petitioner

Vs.

1. The District Collector
District Collector Office Campus
Tiruppur.

2. The Tahsildar
Avinashi Taluk Office
Avinashi Taluk
Tiruppur.

3. The Land Revenue Inspector
Perumanallure Circle
Avinashi Taluk Office
Avinashi Taluk
Tiruppur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records pertaining to the impugned notice – 6 dated 29.09.2023 Na.Ka.No.3421/2023/A6 issued



W.P.No.30115 of 2023

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by the 2nd respondent as per the Madras Land Encroachment Act, 1905 and quash the same.

For the Petitioner : Mr.T.C.Gopalakrishnan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mrs.R.Anitha
Special Government Pleader

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.T.C.Gopalakrishnan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The petitioner is challenging the notice/order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Learned counsel for the petitioner submits that even the notice states that the land is a natham land. The petitioner has been granted patta. Still the order under Section 6 of the Act is passed.



W.P.No.30115 of 2023

WEB COPY

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

5. The petitioner may avail the remedy as provided under the Act of 1905. For a period of ten days from today, the respondents shall not act upon the notice under Section 6 of the Act, so as to enable the petitioner to file an appeal. In the appeal, the petitioner can also file an application for stay as provided under the Act. In that event, all contentions are kept open.

6. With the aforesaid observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.29743 and 29744 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
kpl



W.P.No.30115 of 2023

WEB COPY

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W.P.No.30115 of 2023

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W.P.No.30115 of 2023

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