



WP No.33357 of 2022

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

WP No.33357 of 2022

Muthu Mayilswami

: Petitioner

Vs

1.The District Collector
Salem 636 001

2.The Revenue Divisional Officer
Mettur, 636 401 Salem district

3.The Tahsildar
Mettur Taluk, Mettur 636 401
Salem district

4.The Revenue Inspector
Pottaneri Mettur Taluk
Salem District 636 453

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the entire records relating to the order passed by the First Respondent in the appeal in his proceedings in Na.Ka.No.15193/2021/K2 dated 29.11.2022 confirming the notice dated 24.08.2020 issued by the third respondent under section 7 of the Tamil Nadu Land Encroachment Act 1905 and the final notice dated 26.11.2020 issued by the second respondent under section 6 of the said Act which was served on the petitioner on 04.12.2020 and the confirming the eviction notices and quash the same pertaining to the petitioners house plots in S.No.341/1 measuring about 5 cents in Pudhoo Four Road, M.Kallipatti Village, Mettur Taluk, Salem District.



WP No.33357 of 2022

For the Petitioner : Mr.P.Jagadeesan
For Respondents : Mr.P.Muthukumar,
State Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

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

2. There are rival contentions. The matter involves disputed questions of fact.

3. The appeal filed by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 was dismissed. Considering the factual matrix in the present case, it would be appropriate if the petitioner avails the remedy under Section 10A of the Act of 1905.

4. In light of that, we dispose of the writ petition keeping all points open with liberty to the petitioner to avail the remedy of revision under Section 10A of the Act of 1905.



WP No.33357 of 2022

WEB COPY

5. For a period of two weeks from today, the respondents may not take adverse action against the petitioner only on the basis of the impugned order, so as to enable the petitioner to file revision and seek necessary orders before the revisional authority.

6. In case the revision is filed within ten days from today, then the same shall be considered within limitation.

7. The writ petition stands disposed of. There will be no order as to costs. Consequently, WMP Nos.32787 and 32788 of 2022 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

03.11.2023

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

Registry to note :

If the petitioner moves the Registry, the petitioner be returned the original impugned order, on the petitioner giving photocopy of the same.



WEB COPY



WP No.33357 of 2022

THE HON'BLE CHIEF JUSTICE

AND

D.BHARATHA CHAKRAVARTHY, J.

(tar)

To

1.The District Collector, Salem 636 001

2.The Revenue Divisional Officer
Mettur-636 401, Salem District

3.The Tahsildar
Mettur Taluk, Mettur 636 401
Salem District

4.The Revenue Inspector
Pottaneri Mettur Taluk
Salem District 636 453

WP No.33357 of 2022

03.11.2023