



WEB COPY



W.P.No.32204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32204 of 2023

Kamatchi

.. Petitioner

Vs.

1. The District Collector
Tiruvanamalai.

2. The Block Development Officer
(Village Panchayat)
Tiruvanamalai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records on the file of the second respondent in proceedings Na.Ka.No.U.A3/2858/2023 dated 16.08.2023 and quash the same as illegal, incompetent and without jurisdiction.

For the Petitioner : Ms.R.Poornima

For the Respondents : Mr.P.Muthukumar
State Government Pleader



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Ms.R.Poornima, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. The petitioner is challenging the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "*the Act of 1905*"].

3. Learned counsel for the petitioner submits that an appeal was filed against the notice under Section 7 of the Act of 1905. In fact, an appeal does not lie against the notice under Section 7 of the Act of 1905. The appeal would lie against the order passed under Section 6 of the Act of 1905.

4. It is for the petitioner to avail the appellate remedy as may be permissible under law. In that event all contentions of the respective parties are kept open.



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5. In the light of that, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.31810 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

10.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

1. The District Collector
Tiruvanamalai.
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(Village Panchayat)
Tiruvanamalai District.



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

(drm)

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