



W.P.No.35272 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35272 of 2023

Mir Zakauddin Sahib

.. Petitioner

Vs.

1. The District Collector
Pallavaram Division
Chengalpattu District.

2. The Tahsildar
Pallavaram Division
Chengalpattu District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to consider the petitioner's representation dated 03.11.2023 and unseal the shop in G.L.S.No.338/A, S.No.1352, total extent of 1034 sq.ft in Chengalpattu District.

For the Petitioner : Mr.E.Mohamed Abbas

For the Respondents : Mr.K.Karthik Jagannath
Government Advocate



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.E.Mohamed Abbas, learned counsel for the petitioner and Mr.K.Karthik Jagannath, learned Government Advocate for the respondents.

2. The order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter, "the Act of 1905"] is already passed. It appears that subsequently, the shop has been locked and sealed. The petitioner is not challenging the order passed under Section 6 of the Act of 1905.

3. The petitioner can challenge the order passed under Section 6 of the Act of 1905 by filing an appeal under Section 10 of the said Act and in the appeal, applications can also be filed for interim stay or for any interim orders. The petitioner is at liberty to avail the alternate remedy. In that event, all contentions of the respective parties are kept open.



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4. Learned counsel for the petitioner submits that the petitioner has passed away a week back.

5. In the light of that also, the present petition would not survive. The writ petition, as such, stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

19.12.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

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Pallavaram Division
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THE HON'BLE CHIEF JUSTICE
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(drm)

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