



WEB COPY



W.P.No.33872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.12.2023

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

AND

THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33872 of 2023

AND

W.M.P.Nos.33721 of 2023

1.E.Sangavi

2.T.Sangavi

.. Petitioners

Vs.

1.The District Collector

Tiruppur District

Tiruppur

2.The Tahsildar

Avinashi Taluk

Avinashi, Tiruppur District

3.The Revenue Inspector

Sevoor Firka

Avinashi Taluk

Tiruppur District

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.29745/2022/B3 dated 10.10.2023 and quash the same.



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For Petitioners : Mr.C.Prakasam
For Respondents : Mr.P.Muthukumar
Government Pleader

ORDER

(Order of the court was made by R. MAHADEVAN, J.)

This writ petition has been filed by the petitioners to quash the proceedings in Na.Ka.No.29745/2022/B3 dated 10.10.2023 passed by the 1st respondent.

2. It is the case of the petitioners that they are the occupants of the land in S.No.849/15, Neelipalayam, Alathur Village, Avinashi Taluk, Tiruppur District, which has been classified as “village natham land” and residing therein from the year 1962 onwards and they applied for grant of patta. When the Revenue Inspector inspected the subject land, the village people did not raise any objection for issuance of patta in their names. While so, some of the relatives of the petitioners made false representation before the respondents and influenced the respondents by using political persons. Following the same, the 2nd respondent issued notice dated 31.10.2022 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (in short “the Act”), by which, the petitioners were called upon to remove the encroachment made in “sarkar natham



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poramboke” land covered in S.No.849/15. Challenging the said notice, the petitioners filed W.P.No.30752 of 2022, in which, the Division Bench of this Court, by order dated 18.11.2022 directed the petitioners to file an appeal before the 1st respondent. Accordingly, the petitioners filed an appeal under Section 10 of the Act before the 1st respondent on 23.11.2022. The said appeal was rejected by the 1st respondent, by his proceedings dated 10.10.2023, which is under challenge in the present writ petition.

3. The learned counsel for the petitioners submitted that since the respondents 2 and 3 herein have not placed the actual position properly before the 1st respondent, the appeal came to be rejected by the first respondent and hence it needs the interference of this Court.

4. When the matter is taken up for admission today, the learned Government Pleader taking notice for the respondents, submits that an opportunity would be provided to the petitioners for further course of action, before implementing the order of the appellate authority.

5. Recording the above submission made on the side of the respondents, this writ petition is disposed of, granting liberty to the respondent authorities to



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proceed further, after providing an opportunity of personal hearing to the petitioners for placing their submissions and required documents. No costs.

Connected miscellaneous petition is closed.

[R.M.D,J.] [M.S.Q, J.]

01.12.2023

Neutral Citation : Yes/No
gya

To

1.The District Collector
Tiruppur District
Tiruppur

2.The Tahsildar
Avinashi Taluk
Avinashi, Tiruppur District

3.The Revenue Inspector
Sevoor Firka
Avinashi Taluk
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