



W.P.No.34386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34386 of 2023

Ka.Mu.Sekar

.. Petitioner

Vs.

1. The District Collector
O/o. The District Collector
Chengalpattu District.
2. The Tahsildar
Tahsildar Office, Cheyyur Taluk
Chengalpattu District.
3. The Revenue Inspector
Revenue Inspector Office
Soonambedu, Cheyyur Taluk
Chengalpattu District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, forbearing the respondents from taking any coercive action on petitioner's agricultural land situated at S.No.1, Panaiyadivakkam Village, Cheyyur Taluk, Chengalpattu District until the first respondent to pass appropriate orders after giving personal hearing to the petitioner on the appeal dated 01.11.2023 along with interim application filed thereon under Section 10 r/w 10-B of Tamil Nadu Land Encroachment Act, 1905.

For the Petitioner : Mr.R.Thirumoorthy

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



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ORDER

(Made by the Hon'ble Chief Justice)

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

2. Notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "the Act of 1905"] is issued against the petitioner. The petitioner has filed a reply to the same.

3. Learned counsel for the petitioner submits that without passing order under Section 6 of the Act of 1905, the respondents are evicting the petitioner.

4. After receipt of the reply, the authorities have to pass order under Section 6 of the Act of 1905 and thereafter, could proceed further. In the light of that, if order under Section 6 of the Act of 1905 has not been passed, then the authorities may first consider the say of the petitioner to notice issued under Section 7 of the Act of 1905 and then pass orders under Section 6 of the Act of 1905, as



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may be permissible under law. If any order is passed under Section 6 of the Act of 1905, then the petitioner has the remedy of appeal provided under Section 10 of the Act of 1905.

5. In view of that, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.34292 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

13.12.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE



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AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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