



W.P.No.34961 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34961 of 2023

R.Kolandaisamy

.. Petitioner

Vs.

1. The District Collector
Erode District.
2. The Tahsildar
Perundurai Taluk
Erode District.
3. The Revenue Inspector
Kanchikovil Firka.
4. The President
Kandhamplayam Panchayat
Perundurai Taluk, Erode District.

5. S.Saraswathy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the second respondent herein in Na.Ka.6333/2021/A8 dated 16.11.2023 and the consequential notice issued under Section 6 of the Chennaipattinam 1905 Act 3 of 1905 dated nil but signed on



W.P.No.34961 of 2023

29.11.2023 and quash the same consequently direct the respondents herein to maintain status quo till the disposal of the suit in O.S.No.44 of 2023 before the Sub-Court, Perundurai, Erode District.

For the Petitioner : Mr.R.S.Anandan
For the Respondents : Mr.P.Muthukumar
State Government Pleader
for R1 to R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.R.S.Anandan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 3.

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 the petitioner is the owner of the patta land. The petitioner has not committed any encroachment and is occupying his own patta land. It is further submitted that a civil suit is also filed by one of the co-owner and the same is pending.



W.P.No.34961 of 2023

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4. All these arguments can be raised in an appeal, provided under Section 10 of the Act of 1905, against the order passed under Section 6 of the Act of 1905.

5. In the light of that, the writ petition stands disposed of with liberty to the petitioner to avail the remedy of appeal provided under Section 10 of the Act of 1905. In that event, all contentions of the parties are kept open. There shall be no order as to costs. Consequently, W.M.P.No.34940 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

21.12.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

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W.P.No.34961 of 2023

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

(drm)

W.P.No.34961 of 2023

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