



W.P.No.35822 of 2023

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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.35822 of 2023

B V V Paper Industries Limited
Rep. by its Director, Sharad Khandelwal
Having registered office at
148 D, Palani Road
Venkatesa Mills Post, Udumalpet
Tamil Nadu – 642 128.

.. Petitioner

Vs.

1. The District Collector
Dindugal Collector Office
Thiagi Subramania Siva Malihai
Velu Nachiyar Valaham Chettinaickenpatti
Dindigul, Tamil Nadu – 624 004.
2. District Revenue Officer
Collectorate
Thiagi Subramania Siva Malihai
Velu Nachiyar Valaham Chettinaickenpatti
Dindigul, Tamil Nadu – 624 004.
3. The Tahsildar
Tahsildar Office
Palani, Tamil Nadu – 624 601.



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4. Revenue Inspector
Korikadavu Circle
Palani Taluk, Dindugal District
Tamil Nadu – 624 601.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the fourth respondent pertaining to the impugned order dated 08.12.2023 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905) and quash the same as illegal and arbitrary.

For the Petitioner : Mr.Anirudh Krishnan

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

ORDER

(Made by the Hon'ble Chief Justice)

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

2. The petitioner is challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter, “the Act of 1905”].



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3. Notice issued under Section 7 of the Act of 1905 is a show-cause notice and the final order is passed under Section 6 of the Act of 1905. The petitioner has an opportunity to file reply to the notice issued under Section 7 of the Act of 1905.

4. The said reply shall be filed within a period of seven days from today. Naturally, the authority would consider the reply filed by the petitioner and thereafter, pass appropriate order under Section 6 of the Act of 1905. If the order passed under Section 6 of the Act of 1905 is adverse to the interest of the petitioner, then the petitioner has the remedy of appeal under Section 10 of the Act of 1905.

5. In view of the aforesaid observations, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.35809 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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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

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