



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
and

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023
and

W.M.P.(MD)Nos.3467, 3468, 3469, 3472, 3473, 3478, 3470,
3474, 3477, 3475, 3479, 3481, 3471, 3476 and 3480 of 2023

W.P.(MD)No.3692 of 2023:-

S.Krishnan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

3.The Executive Officer,
Salaigramam Village Panchayat,
Salaigramam Post,
Ilayankudi Taluk,
Sivagangai District.

4.The Revenue Inspector,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

5.The Village Administrative Officer,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings passed by the 2nd respondent in Na.Ka.A1/2931/2019 dated 17.02.2023 and quash the same.

For Petitioner :Mr.M.P.Senthil

For Respondents :Mr.K.Balasubramani,
Spl. Government Pleader.

W.P.(MD)No.3693 of 2023:-

S.Muniyasamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

3.The Executive Officer,
Salaigramam Village Panchayat,
Salaigramam Post,
Ilayankudi Taluk,
Sivagangai District.



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

4.The Revenue Inspector,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

5.The Village Administrative Officer,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings passed by the 2nd respondent in Na.Ka.A1/2931/2019 dated 17.02.2023 and quash the same.

For Petitioner :Mr.M.P.Senthil

For Respondents :Mr.K.Balasubramani,
Spl. Government Pleader.

W.P.(MD)No.3694 of 2023:-

Poongundran Ganesh Krishnan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

3. The Executive Officer,
Salaigramam Village Panchayat,
Salaigramam Post,
Ilayankudi Taluk,
Sivagangai District.

4. The Revenue Inspector,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

5. The Village Administrative Officer,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings passed by the 2nd respondent in Na.Ka.A1/2931/2019 dated 17.02.2023 and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

W.P.(MD)No.3695 of 2023:-

U.Sathya

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.

3.The Executive Officer,
Salaigramam Village Panchayat,
Salaigramam Post,
Ilayankudi Taluk,
Sivagangai District.

4.The Revenue Inspector,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

5.The Village Administrative Officer,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings passed by the 2nd respondent in Na.Ka.A1/2931/2019 dated 17.02.2023 and quash the same.

For Petitioner :Mr.M.P.Senthil

For Respondents :Mr.K.Balasubramani,
Spl. Government Pleader.

W.P.(MD)No.3696 of 2023:-

R.Karikalan

... Petitioner



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.
3. The Executive Officer,
Salaigramam Village Panchayat,
Salaigramam Post,
Ilayankudi Taluk,
Sivagangai District.
4. The Revenue Inspector,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.
5. The Village Administrative Officer,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings passed by the 2nd respondent in Na.Ka.A1/2931/2019 dated 17.02.2023 and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

COMMON ORDER

WEB COPY

Heard the learned counsel for the writ petitioners and the learned Special Government Pleader for the respondents.

2.The petitioners challenge the impugned notice dated 17.02.2023 calling upon them to vacate the petition mentioned premises.

3.The learned counsel for the petitioners submitted that questioning the original order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 by the jurisdictional Tahsildar, they have preferred appeals before the District Collector and that even during pendency of the appeal proceedings, the impugned notice has been issued. At this stage, the learned Special Government Pleader produced copy of the order dated 22.02.2023 passed by the District Collector dismissing the appeals filed by the writ petitioners herein.

4.The petitioners have a further revisional remedy under Section 10-A(c) of the Tamil Nadu Land Encroachment Act, 1905. Limitation for filing such revision is 30 days from the date of receipt of a copy of the



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

appellate order. The petitioners revisional remedy cannot be frustrated. We, therefore, dispose of these writ petitions by directing that the impugned action taken vide notice dated 17.02.2023 will be put on hold and kept in abeyance and that they will abide by the outcome of the revisional proceedings to be initiated by the petitioners herein. The petitioners will be entitled to the benefit of this order only if they file their revision petitions within a period of 30 days from today.

5.These writ petitions are disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
23.02.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
ias



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

To:-

WEB COPY

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.
- 3.The Executive Officer,
Salaigramam Village Panchayat,
Salaigramam Post,
Ilayankudi Taluk,
Sivagangai District.
- 4.The Revenue Inspector,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.
- 5.The Village Administrative Officer,
Salaigramam,
Ilayankudi Taluk,
Sivagangai District.



WEB COPY



W.P.(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

ias

W.P(MD)Nos.3692, 3693, 3694, 3695 and 3696 of 2023

23.02.2023