



WEB COPY

W.P.(MD)No.4584 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD)No.4584 of 2023
and
W.M.P.(MD)Nos.4286 and 4287 of 2023**

Chinnasamy

... Petitioner

-VS-

1.The Tahsildar,
Palani Taluk,
Dindigul District.

2.The Executive Engineer (PWD),
Nankhanchiyar Project,
Palani, Dindigul District.

3.The Executive Officer,
Ayakudi Town Panchayat,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.227/2022Aa, dated Nil and quash the same as illegal.

For Petitioner

: Mr.D.Venkatesh

For R1 and R2

: Mr.K.Balasubramani
Special Government Pleader



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For R3

: Mr.P.Thilak Kumar
Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition is not legally maintainable for the simple reason that when the petitioner has been issued with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, calling upon him to remove the encroachment at S.No.1361, to an extent of 0.01.62 Hectares, situated at Keezha Ayakudi Village, the petitioner cannot come to this Court without giving any explanation. Even if the explanation is rejected, he can work out his remedy of appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the District Collector. Hence, the Writ Petition fails and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**[T.R., A.C.J.] [D.K.K., J.]
03.03.2023**

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
smn2



W.P.(MD)No.4584 of 2021



To

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- 1.The Tahsildar,
Palani Taluk,
Dindigul District.
- 2.The Executive Engineer (PWD),
Nankhanchiyar Project,
Palani, Dindigul District.
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W.P.(MD)No.4584 of 2023:



T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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ORDER MADE IN
W.P.(MD)No.4584 of 2023
DATED : 03.03.2023