



W.P.(MD) No.6479 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.6479 of 2023
and WMP(MD) Nos.6123 and 6126 of 2023**

Kannan Poosari. S,

... Petitioner

Vs

1. The District Collector,
O/o. the District Collectorate,
Collector Office Road,
Alwarpuram, Madurai..

2. The Tahsildar,
O/o. Taluk Office,
Tiruparankundram,
Madurai.

3. Mr.J.Sundarrajan,,
S/o Jegannathan,
Managing Trustee,
Sri Veyilukhanda Amman Temple,
Thirupparankundram, Old Door No.31a,
New Door No.60/3 G.S.T.Road, Thiruparankundram

... Respondents



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WEB COURT
(R3 impleaded vide order dated 20.07.2023
in WMP(MD) No.8756/2023)

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the entire records in connection with the impugned notices passed by the 2nd respondent dated 17.02.2023 and 17.03.2023 and quash the same.

For Petitioners : Mr.Niranjan S.Kumar
For Respondents : Mr.S.P.Maharajan for R1 & R2
Special Government Pleader
Mrs.K.R.Shivashankari for R3

ORDER

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

We have heard Mr.Niranjan S.Kumar, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 and 2 and Mrs.K.R.Shivashankari, learned counsel for the respondent No.3.



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2. The contention is that notices under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 are issued without measuring the property or surveying the property.

3.The learned Special Government Pleader, on instructions, submits that decision has been taken by the authority to measure/survey the property on 29th November, 2023.

4.The petitioner and the impleaded party may remain present on 29th November 2023 on the site. The authority may measure/survey the property. Pursuant to the measurement/survey, further steps may be taken by the authority in accordance with law. As fresh measurement is to be undertaken, the notices issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 stands set aside. If after measuring/surveying, encroachment is found, then the respondent may resort to the provisions of the Tamil Nadu Land Encroachment Act, 1905.



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5. The writ petition stands disposed of accordingly. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

[S.V.G., CJ.]

[K.K.R.K, J.]

28.11.2023

NCC : Yes / No
Index : Yes / No
RR

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THE HON'BLE THE CHIEF JUSTICE
and
K.K.RAMAKRISHNAN, J.

RR

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