



W.P.(MD) No.11027 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.11027 of 2023

and

W.M.P.(MD) No.9659 of 2023

K.Murugan

... Petitioner

-VS-

1. The Revenue Divisional Officer,
Sivagangai District, Sivagangai.
2. The Thasildar,
Kalaiyarkovil, Sivagangai District.
3. The Revenue Inspector,
Kalaiyarkovil, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records to the impugned order relating to eviction notice U/s 6 of the Encroachment Act issued by the 2nd respondent dated 25.04.2023 house situated at 51, Somanathamangalam Group, Manthadi Village, S.No. 274/3 Ares 00168 and quash the same as illegal.



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For Petitioner : Mr.S.Pugalendhi
For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. The petitioner's challenge is to the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) (for brevity “the Act”). The grievance of the petitioner is that the land in question is classified as “Natham” and he is in possession of the same by constructing a house. Relying upon Section 2 of the Act, the learned counsel for the petitioner would submit that since the land has been classified as Natham and it is being



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used as a residential house and backyard, the said land will not vest with the Government so as to enable the Government to take proceedings under the Act.

4. This Court has repeatedly held that Natham land which is occupied as a house site or backyard does not vest with the Government to enable the Government to take action under Section 6 of the Act. In view of the settled position of law and the undisputed fact that the land is classified as Natham, this writ petition is allowed and the impugned notice dated 25.04.2023 is quashed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
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