



**W.P.(MD) No.14141 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.06.2023**

**CORAM:**

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

**W.P.(MD) No.14141 of 2023  
and  
W.M.P.(MD) No.11988 of 2023**

Somuraj

... Petitioner

**-VS-**

1. The District Collector,  
O/o.District Collector Office,  
Tenkasi District.
2. The Revenue Divisional Officer,  
Sengottai Taluk, Tenkasi District.
3. The Tahsildar,  
Sengottai Taluk, Tenkasi District.
4. The Revenue Inspector,  
Ilathoor Village, Sengottai Taluk,  
Tenkasi District.

... Respondents



**W.P.(MD) No.14141 of 2023**

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned show cause notice issued by the 4<sup>th</sup> respondent dated 31.05.2023 under section 7 of Tamil Nadu Land Encroachment Act, 1905 and quash the same as illegal.

For Petitioner : Mr.M.Vivek Kumar

For Respondents : Mr.V.Nirmal Kumar  
Government Advocate

### **ORDER**

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

Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents.

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

3. Notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, is under challenge in this writ petition.



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4. From the very notice issued, it is seen that the land in question is classified as an “Occupied Natham”. As per Section 2 of the Act the vesting of the lands in the Government excludes the occupied natham. Therefore, the very notice is without jurisdiction. Hence, this writ petition is allowed and notice dated 31.05.2023 issued by the fourth respondent is quashed. No costs. Consequently, the connected miscellaneous petition is closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**16.06.2023**

NCC : No  
Index : No  
Internet : Yes  
PKN



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