



W.P.(MD) No.16669 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.16669 of 2023
and
W.M.P.(MD) No.13929 of 2023**

Selvamani

... Petitioner

-VS-

1.The District Collector
Tenkasi District
Tenkasi

2.The Tahsildar
Sankarankovil Taluk
Tenkasi District

3.The Revenue Inspector
Veerasingamani Firka
Sankarankovil Taluk
Tenkasi District

... Respondents



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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 eviction notice issued by the second respondent dated 26.06.2023 and quash the same as unconstitutional and arbitrary.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Court finds no merits in this writ petition.

2. The petitioner is aggrieved by the order, dated 26.06.2023, which is one passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, by the second respondent. The petitioner has no independent right and has no verifiable material to establish her title as against the respondents who describe the subject land as “Government Poramboke Land”. As per the impugned notice, the extent of encroachment is only 20 square meter. The petitioner may file an appeal before the District Collector, under Section 10 of



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the Tamil Nadu Land Encroachment Act, 1905, for the reasons stated by her in this writ petition challenging the impugned order of eviction. The fact that the land in enjoyment of the petitioner is a Government Poramboke is admitted by the petitioner. However, she expects the Government to regularize her encroachment by granting patta to the property encroached by her. That cannot be permitted. However, the Collector may also consider her eligibility for getting assignment, while disposing of her appeal under the Land Encroachment Act.

3. Hence, granting liberty to the petitioner to approach the District Collector, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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