



W.P.(MD) No.16787 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.16787 of 2023
and
W.M.P.(MD) Nos.14016 & 14019 of 2023**

M.Thirumalaisamy alias Durairaj

... Petitioner

-vs-

- 1.The Commissioner
Land Administration
Ezhilagam, Chepauk
Chennai-5
- 2.The District Collector
District Collector Office
Dindigul, Dindigul District
- 3.The Tahsildar (West)
Taluk Office (West)
Dindigul, Dindigul District
- 4.The Deputy Tahsildar (West)
Taluk Office (West)
Dindigul, Dindigul District



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5.Srinivasan alias Venkatarengiah

6.Kesavan alias Kesavaperumal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the third respondent proceedings made in Notice under Section 6 of Tamil Nadu Land Encroachment Act, 1905 dated 30.06.2023 quash the same and further direct the first respondent to dispose the petitioner's stay application dated 03.07.2023 as per Section 10(B) of the Land Encroachment Act, 1905 within a stipulated period.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R4

ORDER

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

Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents 1 to 4.



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2. Since we are not passing any adverse orders, notice to the respondents 5 & 6 is dispensed with.

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

4. Prayer in this writ petition is to quash the notice, dated 30.06.2023, issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter, referred to as “the Act”) and to direct the first respondent to dispose the stay application said to have been filed by the petitioner on 03.07.2023, within a stipulated period.

5. The petitioner states that he is in possession of the property, which is classified as “Natham”, in Survey Nos.180/25, 180/33, 840/1, 840/2 & 840/4 of Pallapatti Village, Dindigul West Taluk, Dindigul District. Pursuant to a drive for removal of encroachment, it is stated that an order was passed, on 30.01.2020, by the third respondent, under Section 6 of the Act. It appears that challenging the said order, the petitioner earlier filed a writ petition in W.P.(MD) No.2624 of 2020 before this Court and by order dated 11.02.2020, the said writ petition was dismissed as withdrawn with liberty to



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the petitioner to file an appeal before the District Collector, under Section 10 of the Act. The petitioner, thereafter, filed an appeal before the District Collector, Dindigul District, under Section 10 of the Act and the same was dismissed by the District Collector on 29.04.2023. Stating that the petitioner has filed a revision before the Commissioner of Land Administration, under Section 10(A) of the Act, this writ petition is filed.

6. Learned Special Government Pleader appearing for the respondents 1 to 4, has produced a copy of the report of the Tahsildar, Dindigul West Taluk, dated 11.07.2023, to show that the encroachments in Survey Nos.180/25, 180/33, 840/1, 840/2 & 840/4 of Pallapatti Village have been removed. However, the petitioner's possession in respect of his residential house is not disputed and no proceedings are initiated to remove the same. This submission of the learned Special Government Pleader is recorded.

7. In view of the above facts and circumstances, this Court is not inclined to entertain this writ petition.



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8. Accordingly, this writ petition is dismissed. The Commissioner of Land Administration / first respondent may expedite the disposal of the revision petition stated to have been filed by the petitioner and dispose of the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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

[D.B.C., J.]

12.07.2023

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

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To:

- 1.The Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai-5.
- 2.The District Collector,
District Collector Office,
Dindigul, Dindigul District.
- 3.The Tahsildar (West),
Taluk Office (West),
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4.The Deputy Tahsildar (West),
Taluk Office (West),
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