



W.P.(MD)No.18605 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.18605 of 2023

and

W.M.P(MD)Nos.15437 & 15438 of 2023

N.Patchamuthu

... Petitioner

Vs.

- 1.The District Collector,
Trichirapalli Collector Office,
Trichirapalli District.
- 2.District Revenue Officer,
Lalgudi Revenue Office,
Trichirapalli District.
- 3.The Tahsildar,
Lalgudi Taluk Office,
Trichirapalli District.
- 4.Block Development Officer,
Pullambadi Block Development Office,
Lalgudi Taluk,
Trichirapalli District.
- 5.Neikulam Panchayat,
Rep. by its Head of Panchayat Union,
Neikulam,
Lalgudi,
Trichirapalli District.



W.P.(MD)No.18605 of 2023

... Respondents

6.Ramaraj

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned proceedings No.Nil issued under Section 7 of the Tamilnadu Land Encroachment Act, 1905 dated 01.07.2023 and quash the same as illegal.

For Petitioner :Mr.S.B.Kayvin Prince

For R-1 to R-4 :Mr.M.Lingadurai,
Special Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.S.B.Kayvin Prince, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for respondents 1 to 4.

2. The petitioner has filed this writ petition challenging the proceedings initiated against the petitioner under the Tamil Nadu Land Encroachment Act, 1905(hereinafter referred to as 'the Act').

3. Though the petitioner claims title to the property in Survey No.654/24 in Neikulam Village, Nedungoor Post, Lalgudi Taluk,



W.P.(MD)No.18605 of 2023

Tiruchirappalli District, the official respondents have initiated action for removal of encroachment showing that the petitioner is in encroachment to an extent of 17 sq. mt., by issuing order under Section 6 of the Act. Challenging the same, the petitioner has filed this writ petition.

4. It is not in dispute that the petitioner has also received a notice under Section 7 of the Act. Though the petitioner claims title, this Court is unable to find any material to show that the petitioner has been recognized as a owner of the property in Survey No.654/24. A-Register produced by the petitioner shows that the property is classified as Natham, but there is a pathway and Cart Track in the survey field which according to the petitioner corresponding to re-survey No.654/24.

5. The learned counsel appearing for the petitioner referred to the suit filed against the third party. It is to be pointed out that the official respondents are not party to the civil suit. Even from the plaint, it is seen that the property in Survey No.654/24 is shown as a pathway and the suit is laid against the third party showing that the third parties are in enjoyment of the pathway.



W.P.(MD)No.18605 of 2023

6. In these circumstances, having regard to the facts recorded above,

leaving it open to the petitioner to file a statutory appeal as against the order passed under Section 6 of the Act, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [D.B.C., J.]
02.08.2023

Index : Yes / No
NCC : Yes/No

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W.P.(MD)No.18605 of 2023

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W.P(MD)No.18605 of 2023

02.08.2023