



W.P.(MD).No.19348 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM  
AND  
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.19348 of 2023  
and  
W.M.P.(MD).Nos.16009 and 19501 of 2023

Rengasamy

.. Petitioner

Vs.

1.The District Collector,  
Dindigul District.

2.The Tahsildar,  
Palani Taluk,  
Dindigul District.

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent dated 15.06.2023 and quash the same as illegal, consequently direct the respondents to consider the case of the petitioner U/s. 3 and 5 of the Land Encroachment Act.

For Petitioner : Mr.N.Adithya Vijayalayan

For Respondents : Mr.SP.Maharajan  
Additional Government Pleader



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## **ORDER**

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

The order passed under Section 6 of the Tamil Nadu Land Encroachment Act by the Tahsildar is under challenge in the present Writ Petition.

2. It is brought to the notice of this Court that the petitioner filed a civil suit in O.S.No.123/2021 on the file of the District Munsif Court, Palani for declaration of title and permanent injunction and admittedly, the said suit was dismissed on 06.03.2023. More so, the State of Tamil Nadu is not a party to the civil suit and thus, the proceedings initiated under the provisions of the Land Encroachment Act is sustainable.

3. Admittedly, notice under Section 6 or 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued on 29.05.2023 and thereafter, order under Section 6 of the Act was passed on 15.06.2023. That being the factum, the petitioner is at liberty to prefer an appeal under Section 10 of the



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Act, if he is advised to do so, within a period of fifteen (15) days from the date of receipt of a copy of this order.

4. With these observations, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)  
02.11.2023

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

To

1.The District Collector,  
Dindigul District.

2.The Tahsildar,  
Palani Taluk,  
Dindigul District.



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**S.M.SUBRAMANIAM,J.**  
**and**  
**V.LAKSHMINARAYANAN,J.**

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