



W.P(MD)No.11412 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11412 of 2015
and
M.P.(MD)No.1 of 2015

K.Kandhasamy

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Assistant Director of Survey and Settlement,
Collectorate Buildings, Dindigul.

3.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.

4.The Revenue Inspector,
Ottanchathiram Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for impugned notice dated 03.07.2015 on the file of the



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3rd respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the 3rd respondent to take steps as per the communication dated 18.06.1015 in Na.Ka.No.4376/2015/E2 of the 2nd respondent.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petitioner has been served with the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. It is an appealable order. The learned counsel for the petitioner states that the property that is the subject-matter of the proceeding is natham and that therefore, the respondents will not have any jurisdiction. But after going through the materials on record, I am of the view that the issue warrants enquiry. In writ proceedings, disputed questions of fact cannot be gone into. I, therefore, dispose of the writ petition in the following terms:-



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(a) The petitioner is permitted to file appeal against the impugned order.

(b) If any appeal is file within a period of four weeks from the date of receipt of a copy of this order, the appellate authority will entertain the same without reference to limitation.

(c) The petitioner need not enclose the original order passed under Section 6 of the Act.

(d) Till the appeal is disposed of, the order impugned in this writ petition will not be given effect to. The impugned order will abide by the outcome of the order that may be passed by the appellate authority. The benefit of this order will stand vacated, if the appeal is not filed within the stipulated period. No Costs. Consequently, connected miscellaneous petition is closed.

01.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

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Collectorate Buildings, Dindigul.
- 3.The Tahsildar,
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