



W.P.(MD)No.20057 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **03.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD)No.20057 of 2023

and

W.M.P. (MD) Nos.16524 and 16528 of 2023

C.T.Jayaraman

...Petitioner

-Vs.-

1.The Secretary to the Government,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George,
Chennai.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.

4.The Tahsildar,
Tiruchendur Taluk,
Tiruchendur – 628 215.

...Respondents



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PRAYER:- Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 06.04.2022 and 10.10.2022 issued by the 4th respondent and quash the same and consequently directing the respondents 2 to 4 to retrieve and restore the possession of the properties in Survey Nos.806/11 and 807/58 measuring an extent of 1 acre, Kayalpattinam South Village, Tiruchendur Taluk, Thoothukudi District to the petitioner.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.T.Ajmalkhan
Government Advocate

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

This Writ Petition challenges the final order passed by the Tahsildar under Sections 7 and 6 of the Land Encroachment Act, 1905. As against the said final order, a statutory appeal lies under Section 10 of the Land Encroachment Act, 1906.

2. Learned counsel for the petitioner would urge that the petitioner is occupying the property which is the subject matter of proceedings for a very long time and therefore, we should interfere under Article 226 of the Constitution.



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3. Whether the petitioner has got any right in the disputed property cannot be gone through in a Writ Petition. All these aspects can be urged before the appellate authority, who has to wherewithal deal with the issue, including by conducting a spot inspection.

4. Therefore, this Writ Petition is dismissed with liberty to the petitioner to file an appeal within a period of two weeks from today. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

**[S.M.S.J.,] & [V.L.N.J.,]
03.10.2023**

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

SJ

To

1.The Secretary to the Government,
Revenue and Disaster Management Department,
Secretariat,
Fort St. George,
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V. LAKSHMINARAYANAN, J.

SJ

2.The District Collector,
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Thoothukudi.

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