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W.P.(MD) No.15955 of 2018 & etc. batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

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

**W.P.(MD) Nos.15955, 15956 & 15957 of 2018
and**

W.M.P.(MD) Nos.14256, 14257, 14258 of 2018 & 21, 22 & 23 of 2019

G.Muthulakshmi

... Petitioner in
W.P.(MD) No.15955 of 2018

P.Poobalan

... Petitioner in
W.P.(MD) No.15956 of 2018

Rajeswari

... Petitioner in
W.P.(MD) No.15957 of 2018

-vs-

1.The Tahsildar
Kalaiyarkoil Taluk
Sivagangai District

2.The Revenue Inspector
Maravamangalam Firka
Kalaiyarkoil Taluk
Sivagangai District

... Respondents in all W.Ps.



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PRAYER (in W.P.(MD) No.15955 of 2018): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the proceedings of the impugned order dated 16.07.2018, on the file of the first respondent and quash the same and further directing the first respondent to grant patta to the petitioner.

PRAYER (in W.P.(MD) No.15956 of 2018): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the proceedings of the impugned order dated 16.07.2018, on the file of the first respondent and quash the same and further directing the first respondent to grant patta to the petitioner.

PRAYER (in W.P.(MD) No.15957 of 2018): Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the proceedings of the impugned order dated 16.07.2018, on the file of the first respondent and quash the same and further directing the first respondent to grant patta to the petitioner.



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For Petitioner : Mr.G.Prabhu Rajadurai
(in all W.Ps)

For Respondents : Mr.N.Satheesh Kumar
(in all W.Ps.) Additional Government Pleader

COMMON ORDER

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

The orders passed by the respondent – Tahsildar under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, “the Act”), are under challenge in the present writ petitions.

2. Pursuant to the survey conducted by the revenue authorities and on identification of the encroachments in the burial ground, the authority concerned issued notices under Section 7 of the Act to the petitioners and they have submitted their representations / objections and thereafter, the impugned orders under Section 6 of the Act have been passed.

3. Learned counsel for the petitioners mainly contended that the impugned orders are cryptic and no reason has been assigned and therefore, the same are to be set aside.



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4. We are unable to agree with the said contention. The Revenue Authorities are incompetent to adjudicate the title disputes or to crystallize the civil rights of the parties in such matters. If at all the petitioners possess any document to establish their title or ownership, they have to approach the competent civil court of law. Therefore, we do not find any reason to interfere with the orders impugned in the present writ petitions. However, the petitioners are at liberty to prefer appeals under Section 10 of the Act, before the appellate authority, within a period of fifteen days from the date of receipt of a copy of this order. If any such appeals are preferred, the same are to be decided by the appellate authority, on merits and in accordance with law, without reference to the period of limitation.

5. With the above observations, the writ petitions are dismissed.
No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

20.12.2023

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

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Sivagangai District.
- 2.The Revenue Inspector,
Maravamangalam Firka,
Kalaiyarkoil Taluk,
Sivagangai District.



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S.M.SUBRAMANIAM, J.
and
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