



W.P.(MD) No.24051 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

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

**W.P.(MD) No.24051 of 2022
and
W.M.P.(MD) Nos.18151 & 18152 of 2022**

Standard Glass (India) Private Ltd.,
No.235, Madurai Road
Ambathurai
Aathur Taluk
Dindigul District
rep.by its Managing Director
C.Saravanan

... Petitioner

-vs-

- 1.The District Collector
Dindigul District
Dindigul
- 2.The Superintendent of Police
Dindigul District, Dindigul
- 3.The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Dindigul
- 4.The Thasildar
Aathur Taluk
Aathur, Dindigul District



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5.K.Sheik Mujibur Rahman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the impugned order of the third respondent in Na.Ka.No.8631/2022/Aa5, dated 06.10.2022, issued to the petitioner and quash the same as illegal.

For Petitioner : Mr.R.R.Kannan

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1, R3 & R4
Mr.P.Veerenthiran
Government Advocate (Crl. Side) for R2
Mr.A.Nawaz Khan
for M/s.Ajmal Associates for R5

ORDER

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

The order dated 06.10.2022, passed by the third respondent directing the petitioner to vacate the subject land, failing which they will evict the petitioner with the assistance of Police is under challenge in this writ petition.

2. Learned Government Pleader, on instructions, made a submission that the subject land is a patta land of the fifth respondent and



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more so, even the impugned order states that Patta No.5752 in respect of Survey No.408/4B, 408/5B, 408/6A2 and 408/8A of Ambadurai Village, to an extent of 2 Acres and 40 Cents, stands in the name of the fifth respondent.

3. Since the subject land is a private patta land and patta for the subject land stands in the name of the fifth respondent and the authorities have also confirmed that the subject land is a private patta land and the provisions of the Tamil Nadu Land Encroachment Act, 1905 will not be applicable, we are of the view that the impugned order is without jurisdiction and the parties have to workout their remedy before the competent civil court of law, if any grievance exists.

4. In the result, the writ petition is allowed and the impugned order dated 06.10.2022, passed by the third respondent, is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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