



W.P.(MD)No.24401 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.10.2023**

CORAM

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

W.P.(MD)No.24401 of 2023
and W.M.P.(MD) No.20593 of 2023

V.Natchimuthu

...Petitioner

-Vs.-

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul Revenue,
Dindigul,
Dindigul District.

3.The Thasildar,
Dindigul West Taluk,
Dindigul District.

4.The Executive Officer,
Sriramapuram Town Panchayat,
Dindigul West Taluk,
Dindigul District.

...Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned notices issued by the 4th respondent under section 6 of Tamilnadu Land Encroachment Act, 1905 dated 15.09.2023 and under Section 7 of Tamilnadu Land Encroachment Act, 1905 dated 29.09.2023 by his proceedings No. Nill as illegal and directing the 3rd respondent to conduct proper enquiry and issue patta to the land measuring about 125 Sq. Feet which is in the petitioner's possession and enjoyment in Natham Survey No.141/16 situated at Polliyammanoor, Srirampuram Town Panchayat, Kotalvavi Village, Dindigul West Taluk, Dindigul District.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader
for R1 to R3

Mr.D.Sasikumar,
Additional Government Pleader
for R4

ORDER

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

The notice dated 29.09.2023, issued under Section 7 of Tamilnadu Land Encroachment Act, 1905, is sought to be quashed in the present Writ Petition.



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2. The petitioner states that he along with his family members are residing in Survey Nos.141/14 and 141/16, situated at Polliyammanoor, Srirampuram Town Panchayat, Kotalvavi Village, Dindigul West Taluk, Dindigul District. The subject land has been classified as “Grama Natham” in the Revenue records. Patta was issued by the third respondent Tahildar, in respect of Survey No.141/14. The petitioner states that they are in possession and enjoyment of the subject property based on the patta issued in their favour by the third respondent. While so, the fourth respondent Executive Officer, issued the impugned notice under Section 7 of the Land Encroachment Act and it is untenable.

3. Learned counsel for the petitioner mainly contended that the fourth respondent has no jurisdiction to issue notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the order impugned is to be set aside on the said ground.

4. Learned Additional Government Pleader appearing on behalf of the State has also made a submission that the Tahsildar is the competent authority to invoke the provisions of the Tamil Nadu Land Encroachment Act, 1905 and therefore, the notice issued by the fourth respondent is infirm.



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5. In view of the facts and circumstances, the impugned notice issued under Section 7 of the Land Encroachment Act, 1905, in proceedings dated 29.09.2023 is quashed and the respondents 1 and 2 are directed to conduct field inspection, ascertain the encroachment or otherwise and thereafter, initiate all appropriate actions invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905 by following the procedures contemplated.

6. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[S.M.S.J.] & [V.L.N.J.]
09.10.2023

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

To

1.The District Collector,
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Dindigul.

2.The Revenue Divisional Officer,
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Dindigul,
Dindigul District.



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3.The Thasildar,
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