



W.P.(MD) No.27315 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.27315 of 2023
and
W.M.P.(MD) No.23465 of 2023

Gurusamy

... Petitioner

-vs-

1.The District Collector
District Collectorate Building
Madurai-625 020

2.The Thasildar
Thirumangalam Taluk Office
Madurai-625 706

3.The Revenue Inspector
Thirumangalam Taluk
Madurai-625 706

4.Muthu Murugayee
[R4 is impleaded vide Court Order
dated 18.12.2023 passed in W.M.P.
(MD) No.24580 of 2023)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the proceeding of the second respondent in Na.Ka.No.5330/2023/The 1, dated 03.11.2023 and quash the same.



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For Petitioner : Mr.V.N.Arjun

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Ms.A.Bhuvaneswari for R4

ORDER

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

This writ petition has been instituted challenging the order, dated 03.11.2023, passed by the second respondent, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter, referred to as “the Act”).

2. Learned counsel for the petitioner mainly contended that the objections submitted by the petitioner were not considered by the authority concerned. It is further contended that the daughter of the petitioner is in possession of the subject land, which is alleged to have been under encroachment.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 made a submission that a portion of the subject land is in the occupation of the petitioner and the remaining portion of the subject land is in the occupation of her daughter. However, the authority concerned has



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issued notice to both the petitioner as well as her daughter, under Section 7 of the Act and by affording an opportunity to both of them, order under Section 6 of the Act has been passed. If at all the petitioner or her daughter is aggrieved, they have to prefer an appeal before the Appellate Authority under Section 10 of the Act and redress their grievance in the manner known to law.

4. Granting liberty to the petitioner to file an appeal under Section 10 of the Act before the Appellate Authority and workout her remedy in the manner known to law, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[L.V.G., J.]

18.12.2023

(2/2)

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

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To:

1.The District Collector,
District Collectorate Building,
Madurai-625 020.



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2.The Thasildar,
Thirumangalam Taluk Office,
Madurai-625 706.

3.The Revenue Inspector,
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