



W.P(MD)No.29181 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.29181 of 2022

and

WMP(MD)Nos.23115 and 23116 of 2022

The Correspondent,
Nagalakshmi Matriculation Hr.Sec School,
Rep by
R.Balaji

... Petitioner

VS.

1. The District Collector,
Dindigul District.

2. The Revenue Divisional Officer,
Dindigul District.

3. The Thasildhar,
Athoor Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned notice dated 12.12.2022 issued by



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the 3rd respondent for the land belongs to the survey number 1406 (part) in Sithayankottai village, Athoor Taluk, Dindigul District and to quash the same as illegal.

For Petitioner : Mr.M.Viji
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

On 02.01.2023, we passed the following order:-

"Challenging the impugned notice, dated 12.12.2022 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has filed the present Writ Petition.

2.According to the petitioner, the property comprised in Survey Nos.1405/1, 1405/2 and 1406 (part) of Sithayankottai Village, Athoor Taluk, Dindigul District is an ancestral property and he obtained the said property through the Will, which was executed by his mother, dated 27.03.2001 and he is in possession and enjoyment of the said



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property. After obtaining approval from the authorities concerned, the petitioner constructed the building in Survey No.1406 (part) and the same is classified as 'Natham'.

3.Mr.M.Sarangan, learned Additional Government Pleader, takes notice for the respondents and submitted that the petitioner has got remedy by way of an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and therefore without exhausting the same, the petitioner has filed the present Writ Petition.

4.Considering the submissions made on either side, liberty is granted to the petitioner to challenge the impugned notice, dated 12.12.2022 under Section 10 of the Tamil Nadu Land Encroachment Act within a period of two weeks from the date of receipt of a copy of this order.

5.Post the matter on 23.01.2023. Till such time, the impugned order, dated 12.12.2022 shall be kept in abeyance."

2. Today, when the writ petition was taken up for hearing, learned counsel for the petitioner submitted that as per the aforesaid order, the petitioner has filed appeal under Section 10 of the Tamil



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Nadu Land Encroachment Act, 1905, before the 1st respondent and it is suffice if a direction is issued to the 1st respondent to dispose of the said appeal on merits and in accordance with law within a time frame.

3. In view of the aforesaid submission, the Writ Petition is disposed of directing the 1st respondent to consider and dispose of the appeal filed by the petitioner on merits and in accordance with law at the earliest without taking note of the limitation. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K.,J.] & [R.V.,J.]
23.01.2023

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

1. The District Collector,
Dindigul District.

2. The Revenue Divisional Officer,
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3. The Thasildhar,
Athoor Taluk,
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 23.01.2023