



W.P.(MD)No.27370 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.27370 of 2023
and W.M.P.(MD) No.23522 of 2023

S.Saravanan

... Petitioner

Vs.

- 1.The District Collector,
O/o. District Collectorate Office Complex,
Virudhunagar District,
Virudhunagar.
- 2.The District Revenue Officer,
O/o. District Collectorate Office Complex,
Sattur Main Road,
Virudhunagar District,
Viruudhunagar.
- 3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Sattur,
Virudhunagar District.
- 4.The Revenue Tahsildar,
The Revenue Tahsildar Office,
Madurai Road,



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Virudhunagar District,
Virudhunagar.

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5. The Revenue Inspector,
O/o. Revenue Inspector Office,
Sankaralingapuram Post,
Virudhunagar Taluk,
Virudhunagar District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned eviction notice of Form - 6 in his proceedings issued by the 4th respondent dated 31.10.2023, relates to Samadhi and its surrounded wall comprising in Survey No. 952/2 consists of 16 square meters situated at Ondipulinaickanoor Village, Sankaralingapuram Post, Virudhunagar District and quash the same and consequently direct the respondents not to proceed with the eviction of the petitioners samadhi and its surrounded wall.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

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

The order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, is under challenge in the present writ proceeding.



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2. Learned counsel for the petitioner states that the petitioner preferred an appeal and an order has already been passed. On a perusal, we find that appeal was not properly filed before the competent appellate authority and the order produced before us was issued by the Tahsildar himself.

3. That being the factum, the petitioner is at liberty to forward the appeal already filed before the Tahsildar to the District Collector within a period of 10 days from the date of receipt of a copy of this order. On receipt of the said appeal, the District Collector shall entertain the same under Section 10 of the Land Encroachment Act, 1905, as expeditiously as possible.

4. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
17.11.2023

NCC : Yes / No
Index : Yes / No

SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

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Virudhunagar..
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