



WEB COPY

W.P.(MD) No.27904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM:

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

W.P.(MD) No.27904 of 2023

and

W.M.P.(MD) Nos.24003 & 24004 of 2023

Uma Shankar

... Petitioner

-VS-

- 1.The District Collector
Tenkasi District, Tenkasi
- 2.The Tahsildar
Sankarankovil Taluk
Sankarankoil
Tenkasi District
- 3.The Revenue Inspector
Karivalamvanthanallur
Sankarankoil Taluk
Tenkasi District
- 4.The Village Panchayat President
Karivalamvanthanallur Village Panchayat
Karivalamvanthanallur
Sankarankoil Taluk
Tenkasi District



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5.Pauldurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned notice dated 14.11.2023, passed by the second respondent and quash the same and consequently direction to the respondents 1 to 4 not to interfere with the petitioner's possession and enjoyment in S.No.1411/3, 1411/4 (Old S.No.1021/A1), situated at Karivalamvanthanallur Village, Sankarankovil Taluk, Tenkasi District.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 to R4
Mr.F.X.Eugene for R5

ORDER

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

The order, dated 14.11.2023, passed by the second respondent, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, “the Act”), is under challenge in this writ petition.



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2. The impugned order has been passed pursuant to the orders of this Court dated 16.10.2023, in W.P.(MD) No.24937 of 2023.

3. Learned counsel for the petitioner mainly contended that pendency of the civil suit has not been placed before this Court, while the said writ petition was disposed of.

4. Even then, by the order dated 16.10.2023, in W.P.(MD) No. 24937 of 2023, we have not decided the issues on merits. We have directed the authorities concerned to look into the documents and in event of identifying any encroachments, then actions are to be initiated for removal of encroachments. Pursuant to the directions of this Court, actions were initiated. The impugned order passed under Section 6 of the Act is assailable by an appeal before the Appellate Authority under Section 10 of the Act. Therefore, the petitioner is at liberty to prefer an appeal before the appellate authority and raise all the grounds, including the pendency of the suit or otherwise.



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5. With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

21.12.2023

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

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To:

- 1.The District Collector,
Tenkasi District, Tenkasi.
- 2.The Tahsildar,
Sankarankovil Taluk,
Sankarankoil,
Tenkasi District.
- 3.The Revenue Inspector,
Karivalamvanthanallur,
Sankarankoil Taluk,
Tenkasi District.
- 4.The Village Panchayat President,
Karivalamvanthanallur Village Panchayat,
Karivalamvanthanallur,
Sankarankoil Taluk,
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and
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