



W.P.(MD).No.29651 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.29651 of 2023
and
W.M.P.(MD).No.25576 of 2023

S.P.Sooria Kumar

.. Petitioner

Vs.

The Tahsildar,
Nanguneri Taluk,
Tirunelveli.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records relating to the impugned order of the respondent dated 08.12.2023 and quash the same.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

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

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The order passed under Section 6 of the Tamil Nadu Land Encroachment Act by the Tahsildar, Naguneri Taluk, Tirunelveli dated 08.12.2023, is sought to be quashed in the present Writ Petition.

2. It is not in dispute that notice under Section 7 of the Land Encroachment Act was issued to the petitioner affording opportunity to submit his objections. Subsequently, the impugned order under Section 6 of the Land Encroachment Act was issued.

3. Large scale encroachments of public properties in our country are causing a havoc in implementing public related projects. The encroachers are attempting to grab the public land, which is not only affecting the people of that locality, but also resulting in natural calamities. The authorities are struggling to evict such encroachers, since the procedures are not only lengthy, but the litigations are kept pending for years together. Public rights are infringed in such circumstances. Government lands are to be protected



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and to be made available for the usage of public at large and to implement and develop infrastructural facilities in a particular locality. By taking undue advantage of certain procedures, the encroachers are sheltering and prolonging the issue and ultimately, attempting to grab the land permanently either by manipulation or by creating certain records. We have noticed in number of cases that the revenue authorities and other departmental authorities are also hand in glove with these land grabbers. Therefore, the Courts are now reluctant in taking lenient view in encroachment matters.

4. In the name of religious institution, no person shall be allowed to grab the public land and such lands are to be utilised, even if it is a religious institution, only by getting appropriate permission and allotment from the Government. In some cases, the religious institutions are taken as shelter to protect the illegality and therefore, the Courts cannot encourage such mindset of certain greedy men, who are attempting to grab the public property.



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5. In the present case, the petitioner has got a right of appeal under Section 10 of the Land Encroachment Act. The District Collector is empowered to deal with the appeal and if necessary, to consider the interim application, if any. That being the factum, the petitioner is at liberty to approach the District Collector by way of an appeal under Section 10 of the Land Encroachment Act.

6. With the above observations, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
13.12.2023

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

To

The Tahsildar,
Nanguneri Taluk,
Tirunelveli.



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