



WEB COPY



W.P.Nos.804 & 2117 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.Nos.804 & 2117 of 2020
and
W.M.P.Nos.963 & 2475 of 2020

(i)W.P.No.804 of 2020
and
W.M.P.No.963 of 2020

Sri Nandhanam Educational and Social Welfare Trust,
Molagarampatti, Tirupattur 635 601, Vellore District,
Rep. by its Chairman,
P.M.N.Mohan Krishnaa.

... Petitioner

Vs.

1. The District Collector,
Vellore District, Vellore.

2. The Sub Collector,
Tiruppattur,
Vellore District.

3. The Tahsildar
Tiruppattur Taluk,
Vellore District.

4. Fazalur Rahaman Warshi
(R4 impleaded as per order dated 26.02.2024 in WMP.4027/2020 in
804/2020 by SMSJ & KRSJ)

... Respondents



W.P.Nos.804 & 2117 of 2020

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, to call for the records relating to the impugned notice issued by the 3rd Respondent in No.Nil dated 23.12.2019 and to quash the same.

For Petitioner : Mr.J.Jayamalan

For Respondents : Mr.A.Selvendran,
Special Govt. Pleader (for R1 to R3);

Mr.A.R.Karthik Lakshman (for R4).

(ii)W.P.No.2117 of 2020

and

W.M.P.No.2475 of 2020

Sri Nandhanam Educational and Social Welfare Trust,
Molagarampatti, Tirupattur 635 601, Vellore District,
Rep. by its Chairman,
P.M.N.Mohan Krishnaa.

... Petitioner

Vs.

1. The District Collector,
Vellore District, Vellore.

2. The Sub Collector,
Tirupattur,
Vellore District.

3. The Tahsildar
Tirupattur Taluk,
Vellore District.

... Respondents



W.P.Nos.804 & 2117 of 2020

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, to call for the records relating to the impugned notice issued by the 3rd Respondent in No.Nil dated 08.01.2020 and to quash the same.

For Petitioner : Mr.J.Jayamalan

For Respondents : Mr.A.Selvendran,
Special Govt. Pleader (for R1 to R3);

COMMON ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The orders passed under Section 6 of the Tamil Nadu Land Enroachment Act, 1905, are under challenge in the present writ proceedings.

2. On receipt of Tamil Nadu Land Enroachment Act, 1905, Section 7 Notice, the encroacher is at liberty to submit an objection if any and thereafter, the authorities competent can issue an order under Section 6 of the Act.



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3. An order passed under Section 6 of the Land Encroachment Act is susceptible to an appeal under Section 10 of the Act. Thus, the petitioner is at liberty to file an appeal under Section 10 of the Act and if any such appeal has been filed, the same is to be disposed off by the competent authority, within a period of four (4) weeks from the date of receipt of a copy of the appeal.

4. Thereafter, the competent authorities are directed to remove the encroachments, if any identified in the subject property.

5. With these directions, the writ petitions are disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

26.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

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