



WEB COPY



WP No.1045 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.1045 of 2024

1.Selvi

2.Mayalagan

: Petitioners

versus

1.The District Collector, Kallakurichi District

2.The Revenue Divisional Officer,
District Collectorate, Kallakurichi District

3.The Revenue Divisional Officer, Kallakurichi District

4.The Tahsildar,
Chinnasalem Taluk,
Kallakurichi District

: Respondents

Prayer: 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 03.01.2024 in ref.No.Na.Ka.A4/3299/2023 issued by the fourth respondent and follow up proceedings and consequently quash the same.

For the Petitioner : Mr.Kamalakaran
for Mr.V.Gunasekar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Kamalakaran, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. This Court, under order dated 20.12.2023 in WA No.3535 of 2023, had observed that the present petitioner can file a reply to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, (for short, 'the Act') which would be considered by the authorities before passing an order under Section 6 of the Act.

3. The learned counsel for the petitioner submits that the petitioner had filed a reply to the notice issued under Section 7 of the Act. However, before passing an order under Section 6 of the Act, reply of the petitioner was not considered.

4. All these contentions could be raised before the appellate authority. The petitioner has a substantive remedy of appeal under Section 10 of the Act. The petitioner has also the remedy to file an



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application for stay under the same provision, which application for stay would be considered by the appellate authority immediately. All contentions are kept open.

5. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP No.1106 of 2024 is closed.

6. WMP No.1104 of 2024 filed to allow the petitioners to file single writ petition is allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

11.01.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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THE HON'BLE CHIEF JUSTICE

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