



WEB COPY



W.P.Nos.4739, 17290 of 2020 and 18530 of 2021 (3 cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.Nos.4739, 17290 of 2020 and 18530 of 2021
and
W.M.P.Nos.5599, 21385 & 21388 of 2020 and 19772 & 19773 of 2021

W.P.No.4739 of 2020

V.Shanthi

... Petitioner

Vs.

- 1.District Collector,
Salem District,
Salem.
- 2.Tahsildar,
Yercaud, Salem District.
- 3.Revenue Inspector-in-Charge,
Puthur Firka,
Yercaud Taluk, Salem District.

... Respondents

W.P.No.17290 of 2020

Page No.1 of 7



W.P.Nos.4739, 17290 of 2020 and 18530 of 2021 (3 cases)

1.S.Shagila

2.V.Shanthi

... Petitioners

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Salem.

3.Tahsildar,
Yercaud, Salem District.

4.The Revenue Inspector-in-Charge,
Puthur Firka,
Yercaud Taluk, Salem District.

... Respondents

W.P.No.18530 of 2021

V.Shanthi

... Petitioner

Vs.

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Salem.

3.Tahsildar,
Yercaud, Salem District.

4.The Revenue Inspector-in-Charge,



W.P.Nos.4739, 17290 of 2020 and 18530 of 2021 (3 cases)

Puthur Firka,
Yercaud Taluk, Salem District.

... Respondents

WEB COPY

Prayer in W.P.No.4739 of 2020: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings No.Nil, dated 05.11.2019 issued under Section 7 of the Land Encroachment Act, and the order passed by the 2nd respondent in his proceedings No.Nil, dated 07.02.2020 issued under Section 6 of the Land Encroachment Act and quash the same and direct the respondents to issue patta to the petitioner in respect of land in S.No.15/12, at Pottkadu, Thalaisolai Village, Yercaud Taluk, Salem District.

Prayer in W.P.No.17290 of 2020: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings of the 2nd respondent dated 27.10.2020 in Na.Ka.No.667/2018/Aa2 and quash the same and consequently, direct the respondents to issue patta to the 1st petitioner in respect of land in S.No.15/12, at Pottkadu, Thalaisolai Village, Yercaud Taluk, Salem District.

Prayer in W.P.No.18530 of 2021: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 4th respondent in his proceedings No.Nil dated 11.08.2021 issued under Section 7 of the Land Encroachment Act and the consequential order passed by the 3rd respondent in his proceedings No.Nil dated 24.08.2021 issued under Section 6 of the Land Encroachment Act and quash the same and consequently, direct the



W.P.Nos.4739, 17290 of 2020 and 18530 of 2021 (3 cases)

respondents to defer any further action as against the petitioner or her family members in respect of the land in S.No.15/12, at Pottkadu, Thalaisalai Village, Yercaud Taluk, Salem District.

For Petitioners : Mr.V.Sivalingam
for M/s.C.S.Associates (in all W.P's)

For Respondents : Mr.A.Selvendran
Special Government Pleader (in all W.P's)

COMMON ORDER

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

W.P.Nos.4739 of 2020 & 18530 of 2021 have been filed challenging the notices issued under Sections 6 and 7 of the Tamil Nadu Land Encroachments Act, 1905. W.P.No.17290 of 2020 has been filed challenging the order passed by the 2nd respondent/Revenue Divisional Officer dated 27.10.2020.

2. It is not in dispute that the Competent Authorities of the Revenue Department identified the encroachments and issued a notice under Section 7 of the Land Encroachment Act and by affording opportunity to the encroachers to submit their objections issued an order under Section 6 of the Land Encroachment Act.



W.P.Nos.4739, 17290 of 2020 and 18530 of 2021 (3 cases)

WEB COPY

3. The order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is susceptible to an appeal under Section 10 Act. Thus, the petitioners are at liberty to prefer an appeal within a period of 10 days from today. On receipt of any such appeal, the District Collector, Salem shall conduct an enquiry by affording opportunity to all the alleged encroachers and if any encroachments are identified, thereafter remove all such encroachments by passing appropriate orders in the manner known to law.

4. Accordingly, all the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S.J.] [K.R.S.J.]
12.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To
1.District Collector,
Salem District,
Salem.



W.P.Nos.4739, 17290 of 2020 and 18530 of 2021 (3 cases)

2. Tahsildar,
Yercaud, Salem District.

3. Revenue Inspector-in-Charge,
Puthur Firka,
Yercaud Taluk, Salem District.

4. The Revenue Divisional Officer,
Salem.

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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WEB COPY



W.P.Nos.4739, 17290 of 2020 and 18530 of 2021 (3 cases)

Order in
W.P.Nos.4739, 17290 of 2020
and
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(3 cases)

12.03.2024
(2/2)