



W.P.No.5355 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM :

THE HON'BLE MR. JUSTICE R.MAHADEVAN

AND

THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.5355 of 2024

Kamatchi

.. Petitioner

Vs

1.The District Collector,
Tiruvannamalai.

2.The Block Development Officer,
(Village Panchayat)
Tiruvannamalai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records on the file of the second respondent in proceedings Na.Ka.No.U.A 4/2858/2023 dated 29.12.2023 and consequential order in Na.Ka.No.U.A 4/2858/2023 dated 9.2.2024, quash the same as illegal, incompetent and without jurisdiction.

For the Petitioner : Ms.R.Poornima

For the Respondents : Mr.Karthik Jegannathan
Government Advocate

ORDER



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(Order of the Court was made by R.MAHADEVAN,J.)

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Challenging the impugned communications dated 29.12.2023 and 9.2.2024 of the second respondent addressed to the Inspector of Police, Kilzhpennathur to render necessary police protection for removal of the encroachments made in Survey No.220/1, Naraiyur Village, Kizhpennathur Taluk, Tiruvannamalai District, the petitioner has filed this writ petition.

2. It is submitted by learned counsel for the petitioner that as against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has filed an appeal before the District Collector and pending appeal, the second respondent is taking action to evict the petitioner from the said land.

3. Learned Government Advocate submitted that the



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appeal filed by the petitioner is not in proper format and also not before the competent authority.

4. At this juncture, learned counsel for the petitioner submitted that the petitioner will re-present the appeal in the manner known to law.

5. In view of the above, the petitioner is permitted to re-submit the appeal with all enclosures within two weeks from today along with stay application before the first respondent. On such filing, the same be considered by the first respondent on merits and in accordance with law and thereafter appropriate orders shall be passed after granting sufficient opportunity to the petitioner as well as all the interested parties. The stay application be considered by the first respondent within two weeks from the date of its filing. Till such time, no coercive action shall be taken by the respondent authorities.



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6. With the above observation and direction, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.5880 and 5881 of 2024 are closed.

(R.M.D., J.)

(M.S.Q., J.)

01.03.2024

Index : No
Neutral Citation : No
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To

- 1.The District Collector,
Tiruvannamalai.
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Tiruvannamalai District.



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