



W.P.No.6087 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6087 of 2024

Desingu

.. Petitioner

Vs.

1. The District Collector
Villupuram District, Villupuram.
2. The Revenue Divisional Officer
Tindivanam, Villupuram District.
3. The Tahsildar
Melmalaiyanur Taluk
Melmalaiyanur, Villupuram District.

4. Mani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the third respondent dated 11.01.2024 and quash the same and further direct the respondents 1 to 3 to grant patta in favour of the petitioner for an extent of 40 cents in S.No.184/1, of Theppirampattu Village, Melmalaiyanur Taluk, Villupuram District.



W.P.No.6087 of 2024

WEB COPY

For the Petitioner : Mr.B.Jawahar
For the Respondents : Mr.T.K.Saravanan
Government Advocate
for R1 to R3

ORDER
(Made by the Hon'ble Chief Justice)

Heard Mr.B.Jawahar, learned counsel for the petitioner and Mr.T.K.Saravanan, learned Government Advocate for respondents 1 to 3.

2. The petitioner is challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "the Act of 1905"].

3. The contention of learned counsel for the petitioner is that the fourth respondent is trying to grab the property from the petitioner. The petitioner has filed a suit for perpetual injunction. The Court had granted mandatory injunction, directing the authorities to grant patta



W.P.No.6087 of 2024

WEB COPY

in favour of the petitioner. In an appeal filed by the State, the suit was dismissed. The petitioner has filed a Second Appeal and the same is pending.

4. As far as the notice issued under Section 7 of the Act of 1905 is concerned, it is merely a show-cause notice. The petitioner is required to file a reply to the said notice. The authorities would consider the reply filed by the petitioner and then take a decision under Section 6 of the Act of 1905. The petitioner also has the remedy of appeal against the order passed under Section 6 of the Act of 1905 before the District Collector.

5. With regard to the injunction, the Second Appeal filed by the petitioner is pending. It is for the appellant therein to take appropriate steps. Since the civil suit is already pending in the Second Appeal, the present writ petition cannot be considered.



W.P.No.6087 of 2024

WEB COPY

6. The writ petition, accordingly, stands dismissed. There shall be no order as to costs. Consequently, W.M.P.No.6732 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

08.03.2024

Index : Yes/No
Neutral Citation : Yes/No

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To

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WEB COPY



W.P.No.6087 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

W.P.No.6087 of 2024

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