



W.P.No.6190 of 2024

WEB COPY

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

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1. Mohan Kumar
2. Subramani
3. Rajendran
4. Krishnan
5. Alamelu
6. Annamalai
7. Rajendran
8. Prakas
9. Balan
10. Chinathambi
11. Arujunan
12. Periyasamy
13. Selvam
14. Palanisamy
15. Ranjeeth Kumar
16. Murali
17. Kamala
18. Poongkodi

.. Petitioners

Vs.

1. The Government of Tamilnadu  
Rep. by its Secretary, Secretariat  
Fort St. George, Chennai 9.



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2. The Government of Tamil Nadu  
Rep. by its Secretary, Secretariat  
Revenue Department, Fort St. George, Chennai 9.
3. The District Collector  
Salem District, Salem.
4. The Managing Director  
Tamil Nadu Tourist Development Corporation  
No.2, Walaja Road, Near Kalaivanar Arangam  
Chennai 02.
5. The Revenue Divisional Officer  
Salem District, Salem.
6. Thasildar  
Yercaud Thasildar Office  
Yercaud, Salem District 636 602.
7. The Director  
Directorate of Tribal Welfare, 1<sup>st</sup> Floor Ezhilagam Annex  
Chepauk, Chennai 05.
8. The Commissioner  
Tamil Nadu Land Administration Department  
2<sup>nd</sup> Floor, Ezhilagam, Chepauk, Chennai 05.
9. The Revenue Inspector  
Mundagambadi Village, Yercaud Panchayat Union  
Yercaud, Salem District.
10. The Village Administrative Officer  
Mundagambadi Village  
Yercaud Panchayat Union  
Yercaud, Salem District.
- .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, Calling for the records of the impugned Sec. 7 notice of the Tamil Nadu Land Encroachment Act, 1905 dated 26.12.2023 issued by the 9th respondent quash the same and consequently direct the 3rd respondent to conduct an enquiry on the basis of the Appeal dated 19.1.2024 filed by the petitioners with the 3rd respondent.

|                     |                                                                       |
|---------------------|-----------------------------------------------------------------------|
| For the Petitioners | : Mr.P.V.Balasubramanian<br>Senior Counsel<br>for Mr.M.Saravana Kumar |
| For the Respondents | : Mr.T.K.Saravanan<br>Government Advocate                             |

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.V.Balasubramanian, learned Senior Counsel appearing for Mr.M.Saravana Kumar, learned counsel for the petitioners and Mr.T.K.Saravanan, learned Government Advocate for the respondents.



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2. The present petition is filed against the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [in short, “the Act of 1905”].

3. According to the learned Senior Counsel appearing for the petitioners, there are twenty families residing and the enquiry is not being conducted by a proper authority.

4. The notice issued under Section 7 of the Act of 1905 invites reply. The petitioners shall file a reply to the notice issued under Section 7 of the Act of 1905. After considering the reply filed by the petitioners, the authorities may pass orders under Section 6 of the Act of 1905 and thereafter only, actual physical act can be undertaken against the encroachments. The petitioners also have the remedy of appeal, against the order passed under Section 6 of the Act of 1905, under Section 10 of the Act of 1905.



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5. The petitioners shall file reply within a period of seven days from today to the show-cause notice issued under Section 7 of the Act of 1905. The authorities shall consider the reply filed by the petitioner on its own merits and thereafter proceed to pass appropriate orders.

6. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.6857 of 2024 is closed. W.M.P.No.6855 of 2024, petition filed to permit the petitioners to file a single writ petition is allowed, inasmuch as they have paid separate set of court fees.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No  
Neutral Citation : Yes/No

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