



W.P.No.17681 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.17681 of 2024

and

W.M.P.No.19451 of 2024

in

W.P.No.17681 of 2024

Nallusamy
S/o.Deviyanan

... Petitioner

Vs.

1. The District Collector
Namakkal District Collectorate
Tiruchengodu Road
Namakkal.
2. The District Revenue Officer
Namakkal District Revenue Office
Namakkal District Collectorate Building
Namakkal.
3. The Revenue Divisional Officer
Mohanur Road
Namakkal.

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4. The Tahsildar
Mohanur Taluk
Namakkal District.
5. The Revenue Inspector
Valayapatti Revenue Inspector Office
Mohanur Taluk
Namakkal District.
6. Ramalingam
Son of Nachiyanan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 5 to take appropriate and necessary steps to remove the encroachment made by the 6th respondent at S.No.62 Aniyapuram, Mohanur, Namakkal District which is classified as Government Poromboke land by considering the representation dated 04.11.2023.

For Petitioner : Mr.S.Sankar
For Respondents : Mr.T.K.S.Saravanan
Government Advocate
for R1 to R5

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned 'Writ Petition' ['WP' for the sake of brevity and



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convenience] pertains to alleged encroachment in 'Government Poramboke land' in S.No.62, .Aniyapuram, Mohanur, Namakkal District' [hereinafter 'said land' for the sake of brevity and convenience].

2. Learned counsel for petitioner contended that a canal has been dug.

3. Issue notice to official respondents i.e., issue notice regarding admission.

4. Mr.T.K.S.Saravanan, learned Government Advocate accepts notice for R1 to R5.

5. Learned State counsel, on instructions, submits that proceedings under Section 7 of 'the Land Encroachment Act, 1905' {hereinafter 'said 1905 Act' for the sake of brevity} has already been initiated and notices under Section 7 of said Act have been issued to alleged encroachers including the writ petitioner.



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6. Learned counsel for writ petitioner affirms the receipt of Section 7 notice under said 1905 Act.

7. Considering the limited land scape of the land encroachment allegation on hand or in other words, the limited perimeter within which this WP should perambulate, with the consent of both sides i.e., learned counsel for writ petitioner and learned State counsel, main WP was taken up and heard out.

8. We are acutely conscious that R6, who is a private respondent, is not before us but we will be putting in a safety valve with regard to R6 and it is on this basis that main WP has been taken up.

9. Learned State counsel submits that a notice under Section 7 of said 1905 Act has been issued to R6 also.

10. Now the writ petitioner, R6 and any other noticee under said 1905 Act shall respond to the Section 7 notice as the same is in the nature of a



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'show-cause notice' ['SCN' for the sake of brevity]. To be noted, this Court has held that the said 1905 Act is a self-contained code / mechanism as it provides for an order under Section 6 and thereafter, a tiered appeal and revision vide Section 10 and 10A of said 1905 Act.

11. Learned counsel for writ petitioner submits that the writ petitioner has already responded to the Section 7 notice.

12. Let the process that has been initiated vide said 1905 Act be carried to its logical end on its own merits and in accordance with law. This means that writ petitioner, R6 and other noticee have been show-caused and therefore, they get an opportunity. Though obvious, we make it clear that we have not expressed any opinion or view on the merits of the matter.

Captioned WP is disposed of as closed albeit with the aforesaid observation. Consequently, connected WMP is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)

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Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

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