



WEB COPY



W.P. No.16813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P. No.16813 of 2024

and

W.M.P.No.18494 of 2024

in

W.P.No.16813 of 2024

Velatal Industries Private Limited
115, Tiruchengode Road
Pallipalayam
Namakkal District
Tamil Nadu - 638 006.

.. Petitioner

Vs.

1. The State of Tamil Nadu
Represented by Secretary to Government
Revenue Department
Chennai.
2. The District Collector
Namakkal District
Namakkal - 637 001.
3. The Tahsildar
Komarapalayam Taluk
Komarapalayam 638 183
Namakkal District.



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4. The Revenue Inspector
Pallipalayam
Pallipalayam - 638 006
Namakkal District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records culminating in the Notice No.Nil dated 04.01.2024 issued by the 4th respondent herein and quash the same and consequently, direct the 2nd respondent to 're-route' the Elanthaikuttai Waterway, Namakkal District as prayed by the petitioner.

For Petitioner	:	Mr.M.Aravind Subramaniam Senior Counsel for Mr.V.Haribabu
For Respondents	:	Mr.T.K.Saravanan Government Advocate

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed assailing a notice issued by R4 {signed by R4 on 04.01.2024} which shall hereinafter be referred to as 'impugned notice'.

2. Mr.Aravind Subramanian, learned Senior Counsel instructed by counsel on record for writ petitioner Mr.Haribabu is before us.



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3. Learned Senior Counsel, advertent to impugned notice submitted that even according to impugned notice alleged encroachment is only putting up a compound wall. We refrain from expressing any view or opinion on the same as the impugned notice says 'சுற்றுகவர் அமைத்து ஆக்கிரமிப்பு' as we would now be relegating the matter to authorities under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said Act' for the sake of brevity}.

4. Issue notice regarding admission.

5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for all four respondents.

6. Learned State counsel, on instructions, submits that the impugned notice is under Section 7 of said Act and post impugned notice Section 6 proceedings have been made and Section 6 proceedings i.e., proceedings under Section 6 of said Act have been signed by R3 (Tahsildar, Komarapalayam Taluk, Namakkal District) on 19.06.2024.



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7. Mr.V.Haribabu, learned counsel instructing learned Senior

counsel very fairly placed before us Section 6 proceedings and a scanned reproduction of the same is as follows:

[illegible]



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Act, 1963 and seek condonation of delay also but it is for the Appellate Authority to take a call on such pleas on its own merits and in accordance with law.

11. Captioned WP disposed of as closed albeit with preservation of rights of writ petitioner i.e., rights of writ petitioner to prefer an appeal and seek stay thereat under Section 10-B of said Act. Though obvious, we make it clear that we have not expressed any view or opinion on merits of the matter. Consequently, captioned WMP is also disposed of as closed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
26.06.2024

Index:Yes
Neutral Citation: Yes
Speaking

mk



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M.SUNDAR.J.,
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