



WEB COPY



W.P.No.18405 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.18405 of 2024

and

W.M.P.No.20214 of 2024

in

W.P.No.18405 of 2024

Sornambal
W/o.Seerangan

.. Petitioner

Vs.

1. The District Collector
Erode District.
2. The District Officer
Department of Backward Class and Minorities Welfare
Collectorate Office
Erode District.
3. The Tahsildar
Modakurichi Taluk Office
Erode District.
4. The Revenue Inspector
Arachalur
Erode District.

.. Respondents



W.P.No.18405 of 2024

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records in respect of the impugned show cause notice dated 12.03.2024 sent by the 4th respondent and quash the same as arbitrary and illegal and consequently, direct the 1st respondent to issue the patta for the land situated in Erode District, Modakurichi Taluk, Arachalur (A) Village, R.S.No.9/1B & 2B, Plot No.54 by considering the petitioner's reply cum representation dated 10.04.2024.

For Petitioner	:	Mr.M.Karthik
For Respondents	:	Mr.T.K.Saravanan Government Advocate

ORDER

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

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed assailing a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} dated 12.03.2024. The aforementioned '12.03.2024 notice' shall hereinafter be referred to as 'impugned notice' for the sake of brevity.

2. A perusal of impugned notice brings to light that it describes a 'land in S.No.9/31 in Arachalur (A) Village, Modakurichi Taluk, Erode



W.P.No.18405 of 2024

District' {hereinafter 'said land' for the sake of brevity, convenience and clarity} as E-patta land. If the said land is a patta land, said 1905 Act will not come into play.

3. Issue notice to respondents.

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

5. Considering the limited scope of the captioned WP, main WP was taken up with the consent of both sides.

6. Learned State counsel submits that writ petitioner does not have patta qua said land and that error appears to have crept in.

7. We express no opinion or view on this submission but we deem it appropriate to set aside the impugned notice as the notice itself refers to E-patta. As we have not expressed any view or opinion, we also preserve all the rights and contentions of both sides i.e., petitioner as well as State. This means that if it is a case of error, it is open to the State to



W.P.No.18405 of 2024

issue a fresh notice under Section 7 of said 1905 Act and it is equally open to writ petitioner to respond to the same.

Captioned WP allowed and disposed of with the
aforementioned observations and preservation of rights. Consequently,
Writ Miscellaneous Petition is closed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
12.07.2024
(2/2)

Index: Yes/No
Neutral Citation: Yes/No
Speaking order / Non-speaking order

mk

To

1. The District Collector
Erode District.
2. The District Officer
Department of Backward Class and Minorities Welfare
Collectorate Office
Erode District.
3. The Tahsildar
Modakurichi Taluk Office
Erode District.
4. The Revenue Inspector
Arachalur
Erode District.

M.SUNDAR.J.,



WEB COPY



W.P.No.18405 of 2024

and
K.GOVINDARAJAN THILAKAVADI, J.,
mk

W.P.No.18405 of 2024

12.07.2024

(2/2)