



WEB COPY



W.P.No.18989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.18989 of 2024

and

W.M.P.No.20842 of 2024

in

W.P.No.18989 of 2024

K.V.Venkadasalam
S/o.Varadhan

.. Petitioner

Vs.

1. The District Collector
Tiruvallur District
Tiruvallur.
2. The Tahsildar
Uthukottai Taluk
Tiruvallur District.
3. The Revenue Inspector
Kannigaiper Sub-Division
Uthukottai Taluk
Tiruvallur District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records relating to the impugned notice dated 15.06.2024 made in U.Mu.No.112/2024



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passed by the 3rd respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of the property comprised in Survey No.1009/9, situated at Kannigaiper Village, Uthukottai Taluk, Tiruvallur District and to quash the same.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

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

Captioned 'Writ Petition' {'WP' for the sake of brevity} has been filed with a certiorari prayer assailing a 'notice dated 15.06.2024 bearing reference U.Mu.No.112/2024 issued by R3 (the Revenue Inspector, Kannigaiper Sub-Division, Uthukottai Taluk, Tiruvallur District)' {hereinafter 'impugned notice' for the sake of brevity}.

2. Mr.C.Prabakaran, learned counsel on record for writ petitioner submits that the 'land in question comprised in S.No.1009/9 in 90, Kannigaiper Village, Uthukottai Taluk, Tiruvallur District' {hereinafter 'said land' for the sake of brevity} is classified as 'Grama Natham'.



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3. Issue notice to respondents.

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

5. Learned State counsel submits, on instructions, that said land cannot be treated as unoccupied Grama Natham.

6. We deem it appropriate to take up the main WP (with the consent of both sides) as the scope is very limited. We also deem it appropriate to not to express any view on the disputation or contestation on the classification as the impugned notice is a 'Show Cause Notice' {hereinafter 'SCN' for the sake of brevity}.

7. To be noted, impugned notice is 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} and this Court has repeatedly held that said 1905 Act is a self contained code as it provides for noticee being show caused under Section 7 of said 1905 Act, followed by an order under Section 6 of said 1905 Act which is appealable under



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Section 10 of said 1905 Act with provision for a further revision under Section 10-A said 1905 Act, as also provision for stay pending appeal or revision vide Section 10-B of said 1905 Act. The said 1905 Act being a self contained code, we deem it appropriate to leave it to the respondent concerned to make an order under Section 6 of said 1905 Act either accepting the explanation of the writ petitioner and dropping the proceedings or proceeding with the matter further i.e., removal of alleged encroachment. The respondent shall do this exercise on its own merits and in accordance with law untrammelled by instant order of this Court. It will suffice to record the stated position of learned State counsel that procedure under said 1905 Act will be followed pursuant to SCN.

Captioned WP disposed of by recording the stated position of learned State counsel. Consequently, connected writ miscellaneous petition is disposed of as closed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
18.07.2024
(2/2)

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



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To
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Tiruvallur District
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Uthukottai Taluk
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M.SUNDAR.J.,
and



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K.GOVINDARAJAN THILAKAVADI, J.,
mk

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