



WEB COPY

W.P.No.19163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.19163 of 2024

and

W.M.P.No.21013 of 2024

in

W.P.No.19163 of 2024

Velmurugan
S/o.Ramdass

... 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



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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 passed by the third 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 quash the same.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.P.Balathandayutham
Spl. Govt. Pleader for R1 to R3

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 prayer for issue of certiorari qua a 'notice dated 15.06.2024 bearing reference உ.மு.எண்.112/2024 issued by R3 [The Revenue Inspector, Kannigaiper Sub-Division, Uthukottai Taluk, Tiruvallur District]' {hereinafter 'impugned notice' for the sake of brevity and convenience}.



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2. Mr.C.Prabakaran, learned counsel on record for the writ petitioner submits that the writ petitioner has been favoured with Natham patta and therefore, the impugned notice is liable to be interfered with.

3. Issue notice i.e., issue notice regarding admission.

4. Mr.P.Balathandayutham, learned Special Government Pleader accepts notice for all three respondents.

5. Owing to the limited legal perimeter within which captioned matter now perambulates, with the consent of learned counsel on both sides, main WP was taken up in the Admission Board.

6. Learned State counsel points out that the Natham Patta placed before this Court by the writ petitioner pertains to S.No.1009 / 3 in 90 Kannigaiper Village, Uthukottai Taluk, Thiruvallur District whereas the impugned notice has been issued for S.No.1009/9 in the same village, Taluk and District.

7. On perusal of the impugned notice, we find that the learned State counsel is correct.

8. Be that as it may, learned counsel for writ petitioner made two points and they are a) the writ petitioner has sent a response dated



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21.06.2024 and b) that S.No.1009/9 has also been classified as Natham-

WEB COM Vacant site (காலி நிலம்).

9. We carefully considered the submissions.

10. We find that the impugned notice has been issued by R3 under Section 7 of 'the Land Encroachment Act, 1905' {hereinafter 'said 1905 Act' for the sake of brevity}. This Court has repeatedly held that said 1905 Act is a self-contained code as notice under Section 7 is one by which the noticee is show-caused, post response (in this case, the writ petitioner has sent a response dated 21.06.2024 as alluded to supra), an order has to be made under Section 6 of said 1905 Act, that order is appealable under Section 10 and there is a provision for revision under Section 10-A. There is also a provision for interim orders vide Section 10-B pending appeal.

11. Learned State counsel submits on instructions that the aforementioned response of the writ petitioner i.e., response to the impugned notice being response dated 21.06.2024 will be considered, proceedings under Section 6 will be issued or in other words, it is the say of learned State counsel that Section 6 proceedings is in the anvil.



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12. In the light of the narrative, discussion and dispositive reasoning set out supra, we find that there is no reason to interfere with the impugned notice and it will suffice to dispose of the captioned WP recording the stated position of the learned State counsel that response to impugned notice is under active consideration of R3 and the procedure under said 1905 Act will be followed.

13. Though obvious, we make it clear that all the rights and contentions of the writ petitioner as well as that of the State are left open when the matter progresses qua said 1905 Act.

14. Captioned WP disposed of as closed albeit preserving the rights of the parties as mentioned supra. Consequently, captioned Writ Miscellaneous Petition is also disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

15.07.2024

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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To

1. The District Collector
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