



WP No.23121 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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Thillaivillalan

... Petitioner

versus

- 1.The District Collector,
Cuddalore District Collector,
Cuddalore.
- 2.The District Revenue Officer,
Cuddalore District.
- 3.The Tahsildar,
Chidambaram Taluk,
Cuddalore District.
- 4.The Village Administrative Officer,
Medhi Village,
Thittakudi Taluk,
Cuddalore District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, calling for the entire records relating to the impugned notice order passed by the third respondent in Na.Ka.Aa8/990/2024 dated 09.07.2024 and quash the same as illegal, incompetent, arbitrary and against the nature of justice and consequently direct the respondents 1 to 3 to issue patta in favour of the petitioner to the land situated in Cuddalore district, Chidambaram Taluk, Kovilampundi, Meethikudi Village bearing Survey No.26/3 to the extent of 0.07.5 Ares (16 Cents) of land or to allocate alternative land to the petitioner by considering the petitioner's representation dated 15.07.2024 and pass orders.

For the Petitioner

:Mr.C.R.Gokulvisvas

For the Respondents

:Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 to 4

ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petition is filed challenging the order passed by the third respondent in Na.Ka.Aa8/990/2024 dated 09.07.2024 and consequently direct the respondents 1 to 3 to issue patta in favour of the petitioner to the land situated in Cuddalore district, Chidambaram Taluk, Kovilampundi, Meethikudi Village bearing Survey No.26/3 to the extent of 0.07.5 Ares (16 Cents) of land or to allocate alternative land to the petitioner by considering



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the petitioner's representation dated 15.07.2024.

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2. Learned State Government Pleader has informed the Court that the third respondent has issued notice under Section 7 of the Land Encroachment Act, to the petitioner and if at all, the petitioner is having any grievance, he can make his objection before the authority concerned. Therefore, at this juncture, filing the writ petition may not be maintainable and seeks for dismissal of the writ petition.

3. In view of the above submissions made by the learned State Government Pleader, we are of the view that when petitioner is having an opportunity to make his objection before the authority concerned, without availing such opportunity, filing a writ petition, challenging the notice issued under Section 7 of the Land Encroachment Act, cannot be entertained and the same is liable to be rejected.



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4. In view of the above, we are inclined to pass order as follows:

i) The petitioner shall make his objection before the authority concerned, within a period of one week from the date of receipt of a copy of this order;

ii) Based on the said objection made by the petitioner, the authority concerned shall consider and pass orders in accordance with law;

iii) We make it clear that, till such time, status quo as on today, to be maintained by both the parties.

5. With the above directions, the writ petition stands disposed of.

There shall be no order as to costs. Consequently, WMP No.25332 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
09.08.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



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THE HON'BLE ACTING CHIEF JUSTICE

and

P.B. BALAJI, J.

(mrn)

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