



WP No.23883 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE P.B. BALAJI

WP No.23883 of 2024

S.Thennarasu : Petitioner

versus

1.The District Collector, Namakkal District

2.The Tahsildar, Namakkal District

3.The Revenue Inspector,
Sellappampatty, Namakkal District : Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the impugned notice dated 01.07.2024 issued by 2nd respondent under Section 6 of Chennai Act III of 1905 and quash the same and consequently forbear respondents 1 to 3 from disturbing the peaceful possession and enjoyment of the property by Grama Natham in old survey no.201 in new survey No.345/1 situate at Minnampalli Village, Namakkal Taluk, Namakkal District.

For Petitioner : Mr.S.Varanesh

For Respondents : Mr.A.Edwin Prabhakar,
State Government Pleader

ORDER



WP No.23883 of 2024

(Made by the Hon'ble Acting Chief Justice)

WEB COPY

The petitioner has filed this writ petition for a Writ of Certiorarified Mandamus calling for the records of the impugned notice dated 01.07.2024 issued by the second respondent under Section 6 of Chennai Act III of 1905 and quash the same and consequently forbear respondents 1 to 3 from disturbing the peaceful possession and enjoyment of the property by the petitioner in old survey no.201 in new survey No.345/1 at Minnampalli Village, Namakkal Taluk, Namakkal District.

2. According to the petitioner, the writ land originally belonged to his grandfather and it was purchased by way of a registered sale deed dated 02.06.1960. It is the case of the petitioner that he has put-up a small hallow block sheet house in the said property and residing there for more than 60 years. While so, the third respondent issued notice dated 01.07.2024 calling upon the petitioner to vacate the property as it is a government land. Challenging the same, the present writ petition has been filed.

3. Mr.A.Edwin Prabhakar, learned State Government Pleader, on written instructions from the Tahsildar, Namakkal District, submitted that the petitioner is



WP No.23883 of 2024

an encroacher. The Tahsildar has resorted to eviction proceedings and has issued notice under the Tamil Nadu Land Encroachment Act, 1905. Aggrieved by the same, the petitioner has filed an appeal before the District Collector, Namakkal District, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, on 12.08.2024 and the same is pending. Even before notice of enquiry is issued, the petitioner has come to this Court by way of this writ petition. Therefore, the present writ petition is not maintainable.

4. After hearing learned counsel for the parties, we are inclined to dispose of the present writ petition by directing the District Collector, Namakkal District to dispose of the appeal filed by the petitioner, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, WMP No.26138 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
16.08.2024

Index : Yes/No
tar



WEB COPY



WP No.23883 of 2024

D. KRISHNAKUMAR, ACJ,

AND

P.B. BALAJI, J.

(tar)

To

- 1.The District Collector, Namakkal District
- 2.The Tahsildar, Namakkal District
- 3.The Revenue Inspector,
Sellappampatty,Namakkal District

WP No.23883 of 2024

16.08.2024