



W.P.Nos.24152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2024

CORAM :

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

AND

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

W.P.No.24152 of 2024

G.Vijayan

.. Petitioner

Vs

- 1.The District Collector,
Collector office Kancheepuram,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
Revenue Department,
Kancheepuram Division,
Office of the Revenue Divisional Office,
Kancheepuram District.
- 3.The Tashildar,
Uthiramerur Taluk Office,
Uthiramerur Taluk,
Kancheepuram District.

4.S.Ranganathan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the impugned notice issued by the second respondent in Na.Ka.1864/2023/A11 dated 11.10.2023 under Section 6 of the



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Tamil Nadu Land Encroachment Act, 1905 and to quash the same.

For the Petitioner : Mr.N.Desinghu
For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for respondents 1 to 3

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Calling in question the notice dated 11.10.2023 issued by the second respondent invoking Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the present writ petition is filed.

2. Learned counsel for the petitioner submitted that the impugned notice was issued without conducting any enquiry and without considering the objections submitted by him. He further submitted that the petitioner had already filed an appeal under Section 10 of the Act as against the impugned notice and the same is pending consideration and, therefore, the respondents may be restrained from evicting the petitioner till the said proceedings are



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concluded by the first respondent/District Collector.

3. Learned State Government Pleader submitted that the proceedings to evict the petitioner were initiated based on the order dated 27.2.2024 passed in W.P.No.4905 of 2024. He added that the respondent authorities shall follow due process of law and the first respondent may be directed to dispose of the appeal within a stipulated time.

4. Considering the facts and circumstances of case, without expressing any opinion on the merits of the matter, we dispose of the writ petition with a direction to the first respondent to dispose of the appeal filed by the petitioner in Na.Ka.No.7400/2023/B4, dated 26.10.2023, if the same is otherwise in order, within a period of eight weeks from the date of receipt of a copy of this order. Till then, the respondent authorities shall not take any coercive steps as against the property of the petitioner. If it is found that no such appeal is pending, the same shall be communicated to the petitioner and the respondent authorities may proceed further in



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accordance with law. There shall be no order as to costs.

Consequently, W.M.P.No.26408 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
19.08.2024

Index : Yes/No
NC : Yes/No
sasi

To:

- 1.The District Collector,
Collector office Kancheepuram,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
Revenue Department,
Kancheepuram Division,
Office of the Revenue Divisional Office,
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- 3.The Tashildar,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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