



W.P.No.27538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM :

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

AND

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

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M.Palaniappan

Vs

.. Petitioner

- 1.The District Collector,
Office of District Collector,
Namakkal.
- 2.The District Revenue Officer,
Office of District Revenue Office,
Namakkal District.
- 3.The Revenue Divisional Officer,
Thiruchengode,
Namakkal District.
- 4.The Thasildar,
Taluk Office, Paramathi Velur,
Namakkal District.
- 5.The Block Development Officer,
Kabirmalai Division, Kabirmalai,
Namakkal District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records with respect to the impugned proceedings issued by the fourth respondent



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under Section 6 of the Tamil Nadu Land Encroachment Act 1905, dated 09.09.2024 and quash the same.

For the Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader

ORDER

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

Seeking to quash the impugned proceedings dated 9.9.2024 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the present writ petition is filed.

2. The main plank of the argument advanced by learned counsel for the petitioner is that without issuing notice under Section 7 of the Act, the authorities have issued a notice under Section 6 of the Act, which is far removed from the procedure contemplated under the Act.

3. Learned State Government Pleader submitted that the impugned proceedings under Section 6 of the Act may be treated as



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a show cause notice under Section 7 of the Act and the petitioner may be directed to submit his objection and after considering the objection, further action as contemplated under the Act would be taken.

4. In the light of the aforesaid submissions, we dispose of the writ petition with the following directions:

- (i) the petitioner shall submit his objections to the impugned proceedings dated 9.9.2024, treating it to be a notice under Section 7 of the Act, within two weeks from the date of receipt of a copy of this order;
- (ii) If any such objection is filed within the time stipulated, the respondent authorities shall consider the same, on merits and in accordance with law, and pass appropriate orders within eight weeks thereafter;
- (iii) If the respondents are not satisfied with the objections raised by the petitioner, they shall



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follow the procedure contemplated under the Act
and then proceed with the removal of the
encroachment.

There shall be no order as to costs. Consequently,
W.M.P.No.30052 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
13.09.2024

Index : Yes/No
NC : Yes/No
sasi
To:

- 1.The District Collector,
Office of District Collector,
Namakkal.
- 2.The District Revenue Officer,
Office of District Revenue Office,
Namakkal District.
- 3.The Revenue Divisional Officer,
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Namakkal District.
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Taluk Office, Paramathi Velur,
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Namakkal District.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

(sasi)

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