



W.P.No.34932 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.34932 of 2024

&

W.M.P.No.37876 of 2024

V.Kuppammal

W/o.Velayudham

... Petitioner

VS

1. The District Collector

Thiruvallur District

2. The Tahsildar

Avadi Taluk (Paruthipattu village)

Avadi Thiruvallur District

3. The Assistant Executive Engineer

Avadi Taluk

Avadi, Thiruvallur District

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the entire records on the file of second respondent relating to the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated nil and quash the same as illegal, unwarranted and in-operative in law.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.V.Ravi
Spl. Govt Pleader for R1 to R3

ORDER

(Order of the Court was made by K.RAJASEKAR, J.)

This writ petition has been filed challenging the notice issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) {hereinafter “said 1905 Act” in short}.

2. The case of the petitioner is that she was in possession and enjoyment of Natham land in Survey No.578/part, Parithipattu Village, Avadi Taluk and an order under Section 6 of said 1905 Act was issued



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without giving the opportunity to her, and the petitioner was evicted from the said land.

3. Issue notice to respondents.

4. Mr. V. Ravi, learned Special Government Pleader accepts notice for all three respondents.

5. With the consent of both sides, main writ petition itself was taken up for final disposal.

6. The learned Special Government Pleader submitted that pursuant to the order passed under Section 6 of said 1905 Act, the petitioner has preferred an appeal under Section 10 of said 1905 Act to the District Collector. The appeal of the petitioner was considered and an order was passed rejecting the appeal. He further submitted that the land in question has been classified as “bund” (கூரை) and is not a Natham land in which the petitioner has constructed a shop and is in enjoyment of the same.



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7. The copy of the order passed in appeal also been placed before us and we find that the District Collector has considered the appeal filed by the petitioner and passed the final order on 05.06.2024 stating that the said land has been classified as “bund’ (கூரை). We are also informed by both sides that the superstructure in the land has now been removed subsequent to the order passed by the District Collector.

8. We are of the view that, since an order has been passed by the District Collector in the appeal filed by the petitioner, nothing survives for adjudication in the present writ petition. Hence, we are not inclined to accede to the prayer in the writ petition.

Accordingly, this writ petition is dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

[M.S., J]

[K.R.S., J]

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order



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To

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Thiruvallur District
2. The Tahsildar
Avadi Taluk (Paruthipattu village)
Avadi Thiruvallur District
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Avadi, Thiruvallur District



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and
K.RAJASEKAR, J.,

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