



W.P.No.33409 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.33409 of 2024
and
W.M.P.No.36203 of 2024
in
W.P.No.33409 of 2024

S.Rajeswari
S/o.Sasikumar

... Petitioner

Vs.

1. The District Collector
O/o. The District Collector
Gopalapuram
Coimbatore - 641 018.
2. The District Revenue Officer
O/o. The District Revenue Officer
Coimbatore.
3. The Tahsildar
Annur Taluk
Annur - 641 653
Coimbatore District.
4. The Land Revenue Inspector
Annur North

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Annur Taluk
Coimbatore District.

... Respondents

WEB COPY

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to notice dated 02.09.2024 issued by the 4th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (Act III / 1905) and quash the same.

For Petitioner	:	Mr.R.Amardeep
For Respondents	:	Mr.M.S.Arasakumar Government Advocate, for R1 to R4

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed assailing a 'notice dated 02.09.2024 issued by the 4th respondent' under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'impugned notice' and 'said 1905 Act' for the sake of brevity}'.



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2. This Court has repeatedly held that 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' which is being referred to as 'said 1905 Act' is a self contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show caused under section 7 followed by an order (considering the cause shown). The order under section 6 is appealable under section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A [Section 10-A(3) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense of the expression.

3. In the light of the above scenario, learned counsel for writ petitioner sought leave of this Court to withdraw the captioned WP but made a plea to preserve all rights and contentions of writ petitioner to respond to the impugned notice. Request acceded to.

4. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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To
WEB COPY

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Coimbatore - 641 018.
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M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

mk

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