



W.P.No.32003 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

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

W.P.No.32003 of 2024
and
W.M.P. No.34748 of 2024 in W.P. No.32003 of 2024

1.Kasthuri
2.Revathy
3.Dhanasekar
4.Dilleraj

... Petitioners

VS

1.District Collector,
Kancheepuram District.

2.The Tahsildar,
Sriperumbudur Taluk,
Kancheepuram District.

3.Revenue Inspector,
Maduramangalam Firka,
Sriperumbudur Taluk,
Kancheepuram District.

4.The Village Administrative Officer,
Pichivakkam Village,
Sriperumbudur Taluk,
Kancheepuram District.

5.Nanda Gopal

... Respondents

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Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari to call for the records in impugned notice dated 04.09.2024 on the file of the third respondent herein and quash the same.

For Petitioners : Mr.N.Ganesh Babu

For Respondents : Mr.T.K.Saravanan,
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 (signed on 04.09.2024) issued by R3' (hereinafter 'impugned notice' for the sake of convenience and clarity).

2. Mr.N.Ganesh Babu, learned counsel for writ petitioner is before us.

3. Learned counsel for writ petitioner submits that the land which is subject matter of impugned notice was purchased by the petitioners and that they are carrying on agricultural activity therein.

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4. Issue notice to official respondents.

5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R4 (official respondents).

6. Mr.T.K.Saravanan, learned State counsel submits that the first writ petitioner (Ms.Kasthuri) has responded to the impugned notice which is a show cause notice under Section 7 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (hereinafter 'said Act' for the sake of convenience and clarity) and the same is under consideration.

7. We carefully considered the matter. We find that the impugned notice is a show cause notice under Section 7 of said Act and the first writ petitioner has responded to the same in and by a written response dated 18.09.2024.

8. Learned State counsel submits that proceedings under said Act are underway which means that R2 will now have to pass an order under Section 6 of said Act.

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9. If the order passed by R2 under Section 6 is in favour of the writ petitioners that will be the end of the matter but if it is adverse to the writ petitioners, it is always open to the writ petitioners to file an appeal to R1 (District Collector) and a further revision to Government under Section 10 and 10-A respectively of said Act. There is also provision for seeking interim order before R1 (District Collector) as well as Government pending Appeal/Revision under Section 10-B of said Act.

10. This Court has repeatedly held that said Act is a self contained Code which provides for noticee to be show caused under Section 7 followed by an order under Section 6 which is appealable under Section 10 with a provision for further revision to revisional authority under Section 10-A with a specific provision for stay pending appeal or revision vide Section 10-B. Moreover, the matter also turns heavily on facts.

11. As regards R4 (private respondent), all the rights and contentions of R4 are preserved when the matter proceeds as per said Act. Therefore, with the consent of both sides, main WP is taken up in the Admission Board.

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12. As law has been set in motion, it has to be carried to its logical end and no ground has been made out for interfering with the impugned notice which is in the nature of show cause notice and which has also been statutorily issued under Section 7 of said Act.

13. We also preserve all the rights and contentions of the writ petitioners also when the matter proceeds further. Let the matter be decided on its own merits and in accordance with law more particularly in accordance with provisions of said Act.

14. In the light of the narrative thus far, captioned WP is dismissed holding that proceedings under said Act will continue and be carried to its logical end. Consequently, captioned Writ Miscellaneous Petition (WMP) thereat also perishes with the same. In other words, captioned WMP is also dismissed. There shall be no order as to costs.

(M.S.,J.) (K.R.S.,J.)
07.11.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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**M.SUNDAR, J.,
and
K.RAJASEKAR, J.,**

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