



WP Nos.32575 and 32577 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP Nos.32575 and 32577 of 2023
and WMP Nos.32170 and 32171 of 2023

Parvathi .. Petitioner in WP.32575/2023
A.Chandrasekaran .. Petitioner in WP.32577/2023

-VS-

1. The District Collector,
Collectorate, Tiruchengode Road,
Namakkal District.
2. The Revenue Divisional Officer,
Namakkal Division, Namakkal.
3. The Tahsildar,
Rasipuram Taluk,
Namakkal District.

.. Respondents in both WPs.

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the impugned order passed by the 1st respondent dated 10.10.2023 vide Na.Ka.No.44720/2023/L5 and quash the same.

For the Petitioners : Mr.R.Anbukarasu

For the Respondents : Mr.C.Kathiravan
Special Government Pleader

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COMMON ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Anbukarasu, learned counsel for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader, for the respondents.

2. The learned counsel for the petitioners submits that only on the basis of the appeal filed by a third person, the eviction is directed against the petitioners.

3. The learned Special Government Pleader submits that the petitioners participated in the enquiry and the petitioners are also found to be encroachers, as such, the steps are taken and the order is passed on 10.10.2023.

4. It is accepted by the respondents that the petitioners were never issued with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 nor any order under Section 6 of the Act was passed against the petitioners. It is only on the basis of the enquiry



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pursuant to an appeal filed by a third person, the order is passed about the petitioners having encroached. The same would not be a proper procedure.

5. In light of that, the impugned order to the extent of the petitioners are set aside. The respondents may issue notice under Section 7 of the Act of 1905 to the petitioners and may take further steps in accordance with law.

The writ petitions are, accordingly, disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

21.02.2024

Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The District Collector,
Collectorate, Tiruchengode Road,
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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

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