



WEB COPY



W.P.No.34162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.34162 of 2024

M.Basappa
S/o.Munisamy

... Petitioner

Vs.

1. The District Collector
Krishnagiri District
Krishnagiri.
2. The Sub-Collector
Hosur Town,
Krishnagiri District.
3. The Tahsildar
Shoolagiri Taluk Office
Krishnagiri District.
4. The Block Development Officer
Shoolagiri Union
Krishnagiri District.
5. The President
A-Chettipallai Panchayat
Shoolagiri Union,
Krishnagiri District.

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6. Mrs.Jayamma
W/o.Muniappa

7. M.Narayanappa
S/o.Munisamy

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 5 to remove the encroachments on Survey No.37/1 in Government Oni Poramboke lands at Alasadhanapalli Village, A-Chettipalli, Shoolagiri Taluk, Krishnagiri District based on the representation dated 23.09.2024 as well as the notice issued by 3rd respondent under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 22.07.2024 within stipulated period.

For Petitioner	:	Mr.M.Loganathan
For Respondents	:	Mr.T.K.Saravanan
		Government Advocate
		for R1 to R3
		Mr.G.Velu
		Additional Government Pleader
		for R4 and R5

ORDER

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

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with a mandamus prayer for removal of encroachment qua 'Survey No.37/1 in Government Oni Poramboke lands at Alasadhanapalli



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Village, A-Chettipalli, Shoolagiri Taluk, Krishnagiri District' {hereinafter 'said land' for the sake of brevity}.

2. Issue notice to official respondents i.e., R1 to R5.

3. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1 to R3 and Mr.G.Velu, learned Additional Government Pleader accepts notice for R4 and R5.

4. Mr.T.K.Saravanan, learned Government Advocate, on instructions submits that proceedings under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} has already been initiated against private respondents (R6 and R7). Learned State Counsel submits that Section 7 notice has been issued and Section 6 order has also been passed. Learned State Counsel also submits that private respondents (alleged encroachers) are being given opportunity as per said 1905 Act.

5. This Court has repeatedly held that 'the Tamil Nadu Land



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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.

6. Therefore, recording the stated position of learned State Counsel, captioned WP is disposed of as closed. There shall be no order as to costs.

(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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