



W.P. No.39788 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P. No.39788 of 2024

and

W.M.P. No.43096 of 2024

1. Kodiyan
2. Elumalai
3. Mootaiyan
4. Ramesh
5. Elumalai
6. Manikandan
7. Srinivasan
8. Elumalai
9. Pazhamalai
10. Murugan
11. Dharmadurai
12. Murugan
13. Kaliyaperumal
14. Ayyanar
15. Manikandan
16. Sambasivam
17. Gandhi
18. Venkatesan
19. Thangavel
20. Rani
21. Panjalai
22. Rajamani
23. Annakilli



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24. Sivaperumal @ Sepperumal
25. Rajasekar

.... Petitioners

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VS

1. The District Collector,
Kallakurichi District.

2. The Assistant Director,
Animal Husbandry Department,
Thirukoilur,
Kallakurichi District.

3. Veterinary Assistant Surgeon,
Veterinary Hospital,
Koothanoor,
Thirukoilur,
Kallakurichi District.

4. The Village Administrative Officer,
10 Koovadu 11
Thenkinnam
Ulundurpet Taluk
Kallakurichi District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for records in proceedings Na. Ka. No. 872/E/2024 dated 17/12/2024 on the file of respondents 2-4 quash the same as illegal, incompetent and without jurisdiction

For Petitioner
For Respondents

: Mr.R. Poornima
: Mr.P. Kumaresan
Addl. Advocate General
assisted by
Ms.S. Anitha
Spl. Govt. Pleader

ORDER



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[Order of the Court was made by S.M. SUBRAMANIAM, J.]

The present writ petition has been filed to call for records in proceedings Na. Ka. No. 872/E/2024 dated 17/12/2024 on the file of respondents 2-4 and to quash the same as illegal, incompetent and without jurisdiction.

2. It is not in dispute that a notice under Section 7 of Tamil Nadu Land Encroachment Act, 1905 was issued to the petitioners for removal of encroachments. The petitioners submitted their explanations and thereafter an order under Section 6 of the Act was issued, vide Proceedings of the second respondent, dated 17.12.2024. The petitioners preferred an appeal under Section 10 of the Act before the first respondent, which is pending.

3. The learned counsel for the petitioners would submit that the order passed by the authority under Section 6 of the Act is without jurisdiction.

4. However the petitioners are at liberty to raise all such factual



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and legal grounds before the appellate authority, wherein a statutory appeal under Section 10 of the Act is pending.

5. The first respondent is directed to afford an opportunity to all the parties and pass appropriate final orders on merits and in accordance with law in the appeal preferred by the petitioners under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The first respondent shall dispose of the appeal preferably, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid observations and directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.J.] [V.L.N.J.]

27.12.2024

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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

vsi2



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S.M. SUBRAMANIAM, J.

AND

V. LAKSHMINARAYANAN, J.

vsi2

1. The District Collector,
Kallakurichi District.
2. The Assistant Director,
Animal Husbandry Department,
Thirukoilur,
Kallakurichi District.
3. Veterinary Assistant Surgeon,
Veterinary Hospital,
Koothanoor,
Thirukoilur,
Kallakurichi District.
4. The Village Administrative Officer,
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