



W.P.(MD) No.55 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.55 of 2024
and W.M.P.(MD) No.43 of 2024**

S.Nagoor Oli

... Petitioner

-VS-

1.The District Collector,
Dindigul.

2.The Commissioner,
Kodaikanal Municipality,
Dindigul District.

3.The Tahsildar,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.4131/2023/Aa2 dated 15.12.2023 and quash the same.



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For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Writ Petition has been filed challenging the proceedings of the 3rd respondent in Na.Ka.No.4131/2023/Aa2, dated 15.12.2023.

2. According to the petitioner, the property in question in S.No.67/5, Naidupuram, Kodaikanal, Dindigul District, measuring an extent of 2.5 Cents, has been assigned to the petitioner's mother in the year 2013 and the petitioner's mother has been in possession and enjoyment of the property. After the death of the petitioner's mother, the petitioner is in possession and enjoyment of the property. In the meanwhile, a show cause notice was issued in the name of the petitioner's mother under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to which the petitioner has submitted a detailed reply and without passing any orders on that, the third respondent has issued the impugned notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.



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3. According to the third respondent, the objections raised by the petitioner has been duly considered by the third respondent and the petitioner has encroached an excess land and therefore, the impugned notice has been issued to the petitioner under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

4. We have considered the submissions made on both sides and perused the materials produced before this Court.

5. The petitioner has challenged the impugned notice under Article 227 of the Constitution of India, when there is a provision under the Tamil Nadu Land Encroachment Act, 1905 to file an appeal before the District Collector and without exhausting the said remedy, the petitioner has filed this Writ Petition.

6. In view of the above, the Writ Petition is dismissed with liberty to the petitioner to prefer an appeal before the first respondent District Collector within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain status quo prevailing as on date. Registry is directed to return the original notice to the petitioner, after



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replacing the same with a xerox copy. No costs. Consequently, connected Writ

Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
03.01.2024

Index : Yes / No
Internet : Yes / No
SJ

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