



W.P.(MD) No.308 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM:

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

**W.P.(MD) Nos.308 to 315 of 2024
and**

**W.M.P.(MD) Nos. 320, 319, 314, 315,
316, 317, 318 and 322 of 2024**

In W.P(MD)No.308 of 2024:

P.R. Chittharanjan

... Petitioner

-VS-

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildhar,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District

... Respondents

PRAYER in W.P(MD)No.308 of 2024:: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or order or direction in the nature of writ, by challenging the notice issued by the 2nd respondents in his proceedings in ந.க.4131/2023/அ2 dated 15.12.2023, by invoking section 6 of Tamil Nadu Land Encroachment Act, 1905, whereby



W.P.(MD) No.308 of 2024

WEB COPY

directed the petitioner to vacate the land in his possession situated in T.S.No. 67, Ward C, Block No.4 to an extent of 0.01.26 Hectare within a period of 15 days and Quash the same and consequently direct the respondents to issue patta to me by considering my representation dated 02.12.2023 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.S.P.Maharajan
Special Government Advocate

COMMON ORDER

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

These Writ Petitions have been filed for issuance of writ of certiorarified mandamus to quash the notice issued by the 2nd respondent in his proceedings in ந.க.4131/2023/ஆ2 dated 15.12.2023, by invoking Section 6 of Tamil Nadu Land Encroachment Act, 1905 and for a consequential direction to the respondents to issue patta to the petitioners by considering their representation dated 15.12.2023.



W.P.(MD) No.308 of 2024

WEB COPY

2. The learned counsel for the petitioners would submit all the petitioners are in possession and enjoyment of the property to a small extent of below 2.5 cents. According to the petitioners, the petitioners have been in possession of the said property and the said land is classified as Natham land and an application for assignment of patta is pending before the Tahsildar. and without considering the pendency of the application, the 2nd respondent in his proceedings in ந.க.4131/2023/ஆ2 dated 15.12.2023 issued notice under Section 6 of Tamil Nadu Land Encroachment Act, 1905. Therefore, the petitioners pray for quashing the impugned notice.

3. The learned Special Government Pleader would strongly object by stating that the petitioners are having a remedy before the District Collector under Section 10 of the Land Encroachment Act and without exhausting the appeal remedy, the petitioners have straightaway approached this Court. Further, the learned Special Government would submit that the said land is classified as Government poramboke. Hence, he prays for dismissal of these Writ Petitions.

4. Whether the aforesaid land is Natham land or Natham



W.P.(MD) No.308 of 2024

WEB COPY

poramboke is a disputed fact and the same cannot be questioned in the present Writ Petitions and further, the petitioners are having a remedy before the District Collector under Section 10 of the Land Encroachment Act. Therefore, we are inclined to direct the petitioners to approach the District Collector.

5. Accordingly, the petitioners are directed to file appeal before the District Collector within a period of two weeks from the date of receipt of a copy of this order. Till the appeals are disposed of, the impugned notice shall be kept in abeyance.

6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

08.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



WEB COPY



W.P.(MD) No.308 of 2024

To:

1. The District Collector,
Dindigul District,
Dindigul.
2. The Tahsildhar,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District



WEB COPY



W.P.(MD) No.308 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

CM

W.P.(MD) Nos.308 to 315 of 2024
and
W.M.P.(MD) Nos. 320, 319, 314, 315,
316, 317, 318 and 322 of 2024

08.01.2024