



W.P.(MD) No.966 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

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

**W.P.(MD) No.966 of 2024
and W.M.P.(MD) Nos.992 and 993 of 2024**

Sri Ramalinga Mills Private Ltd.,
No.212, Ramasamy Nagar,
Athipatti Village,
Aruppukottai, Virudhunagar District,
Through its Authorized Signatory,
S.Venugopala Krishnan

... Petitioner

-VS-

1.The State of Tamil Nadu,
Represented by the District Collector,
Virudhunagar District.

2.The President,
Aruppukottai Taluk,
Enroachment Removing Authority,
(Tahsildar)
Aruppukottai, Virudhunagar District.

3.The Village Administrative Officer,
Athipatti Village,
Virudhunagar District.

... Respondents



W.P.(MD) No.966 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records of the impugned order in Na.KaNo.A2/519/2022 dated 15.11.2023 on the file of the 2nd Respondent and quash the same.

For Petitioner : Mr.V.Janaki Devi

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

ORDER

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

This Writ Petition has been filed challenging the order of the 2nd respondent in Na.KaNo.A2/519/2022, dated 15.11.2023.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.

3. According to the petitioner, they have sent objections to the notice dated 10.08.2023 and 17.10.2023 and without considering the same, the



W.P.(MD) No.966 of 2024

impugned order has been passed and therefore, he has filed the present Writ Petition.

4. According to the learned Special Government Pleader appearing for the respondents, the petitioner has encroached a larger extent of land and without challenging the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the present Writ Petition challenging the impugned order is not maintainable.

5. Admittedly, the petitioner has not filed appeal against the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The present notice is only a consequential notice to the notices issued under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905. Therefore, without challenging the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner cannot challenge the consequential impugned order.



W.P.(MD) No.966 of 2024

WEB COPY

6. In view of the above, the Writ Petition stands dismissed with liberty to the petitioner to challenge the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of two weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
18.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The District Collector,
Virudhunagar District.
- 2.The President,
Aruppukottai Taluk,
Enroachment Removing Authority,
(Tahsildar)
Aruppukottai, Virudhunagar District.
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W.P.(MD) No.966 of 2024

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W.P.(MD) No.966 of 2024

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