



W.P.(MD)Nos.785 to 787 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.785 to 787 of 2024

and W.M.P.(MD)Nos.782, 799, 800, 785 & 786 of 2024

Vadivammal

... Petitioner in
W.P.(MD)No.785/2024

T.Parama Sivan

... Petitioner in
W.P.(MD)No.786/2024

Kaliammal

... Petitioner in
W.P.(MD)No.787/2024

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Inspector,
Palavoor, Radhapuram Taluk,
Tirunelveli District.

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3.The President,
Palavoor Panchayat,
Palavoor,
Tirunelveli District.

... Respondents in all W.Ps.

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned notices under Reference NIL, dated 09.10.2023 issued by the 2nd respondent in respect of built up house to an extent of 35 sq. mt., small shop with a residential room to an extent of 70 sq. mt. and house to an extent of 139 sq. mt., respectively in Survey No. 664/3 at Palavoor Part - I Village, Tirunelveli District and set aside the same as illegal, arbitrary, erroneous forthwith .

For Petitioner	:	Mr.S.Palanivelayutham
(In all W.Ps)		
For Respondents	:	Mr.S.P.Maharajan,
(In all W.Ps)		Spl. Govt. Pleader for R1 & R2
		T.Amjadkhan for R3

COMMON ORDER

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

Challenging the notices issued by the second respondent under Section 7 of the 'Tamil Nadu Land Encroachment Act, 1905' [hereinafter 'said Act' for the sake of convenience and clarity], the petitioners have filed these Writ Petitions.



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2. By consent, these Writ Petitions are taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioners submitted that though the petitioners have submitted their explanations with regard to the impugned notices dated 09.10.2023, the said explanations were not taken into consideration by the respondents. Hence, the petitioners have filed these Writ Petitions.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that following the impugned notices issued under Section 6 of the said Act, the Thasildar has issued the notices under Section 7 of the said Act to the petitioners. If the petitioners are aggrieved against the said notices, they have to challenge the same before the appropriate forum.

5. Considering the facts and circumstances of the case and also considering the fact that following the notices issued under Section 6 of the said



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Act, the Tahsildar, Radhapuram has issued notices under Section 7 of the said Act, the prayer sought for by the petitioners cannot be considered and therefore, the Writ Petitions are liable to be dismissed.

6. Accordingly, these Writ Petitions are dismissed. It is for the petitioners to challenge the notices issued under Sections 6 and 7 of the Act before the appropriate forum, if they are aggrieved the same. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

12.01.2024

vsm

Neutral Citation: Yes / No

Index : Yes / No



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