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W.P. (MD) No.739 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

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

W.P.(MD) No.739 of 2024

and

W.M.P. (MD) Nos.747 to 749 of 2024

1. N.Urumaiya
2. N.Thangappa
3. N.Chinnadurai

... Petitioners

-VS-

- 1.The District Collector,
Collectorate,
Pudukkottai District.
2. The Tahsildar,
Gandharvakottai Taluk,
Pudukkottai District.
3. Revenue Inspector,
Kallakkottai,
Gandharvakottai Taluk,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of Certiorarified Mandamus to call for the records in respect of the



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impugned notice issued by the 3rd Respondent dated 29.12.2024 and quash the same as illegal and consequently, directing the 1st and 2nd respondents to issue patta in favour of the 2nd Petitioner by considering his representation dated 19.12.2022.

For Petitioners : Mr.K.C.Maniyarasu

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

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

This Writ Petition has been filed for issuance of Certiorarified Mandamus to quash the impugned notice issued by the 3rd respondent dated 29.12.2024 and for a consequential direction to the 1st and 2nd respondents to issue patta in favour of the 2nd petitioner by considering representation dated 19.12.2022.

2. It is submitted by the learned counsel for the petitioners that the impugned notice has been served to the petitioners under Section 7 of the Land Encroachment Act, 1908.



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3. The learned counsel for the petitioners would also submit that the petitioners have made an application for assignment of patta for the aforesaid property in question. Therefore, they have filed the present Writ Petition challenging the abovesaid impugned notice.

4. We are not accepting the contentions of the learned counsel for the petitioners for the simple reason that no patta has been assigned in the name of the petitioners and the application is pending before the authority. It is for the petitioners to submit objection before the authorities concerned in response to the impugned notice issued under Section 7 of the Land Encroachment Act, 1908.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [R.V., J.]
11.01.2024

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



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