



W.P.(MD) No.882 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)No.882 of 2024
and W.M.P.(MD)No.901 of 2024

Paulthurai

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Inspector,
Palavoor, Radhapuram Taluk,
Tirunelveli District.
- 3.The President,
Palavoor Panchayat,
Palavoor,
Tirunelveli District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the impugned notice 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

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 & R2
T.Amjadkhan,
Govt. Advocate for R3

ORDER

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

Challenging the notice 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 petitioner has filed this Writ Petition.



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2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that though the petitioner has submitted his explanation with regard to the impugned notice dated 09.10.2023, the said explanation was not taken into consideration by the respondents. Hence, the petitioner has filed this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that following the impugned notice issued under Section 6 of the said Act, the Thasildar has issued a notice under Section 7 of the said Act to the petitioner. If the petitioner is aggrieved against the said notice, he has 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 notice issued under Section 6 of the said Act, the Tahsildar, Radhapuram has issued notice under Section 7 of the said



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Act, the prayer sought for by the petitioner cannot be considered and therefore, the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. It is for the petitioner to challenge the notices issued under Sections 6 and 7 of the Act before the appropriate forum, if he is aggrieved the same. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

12.01.2024

Neutral Citation: Yes / No
Index : Yes / No

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Note: Registry is directed to return the original copy of the impugned orders to the learned counsel for the petitioner after replacing the same with a xerox copy.



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