



W.P.(MD) No.1096 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1096 of 2024
and W.M.P.(MD)No.1126 of 2024

S.Kalavathi

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

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

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, by challenging the notice issued by the 2nd



W.P.(MD) No.1096 of 2024

respondent in his proceedings in Na.Ka.4131/2023/Aa2 dated 15.12.2023, by invoking section 6 of Tamil Nadu Land Encroachment Act, 1905, whereby directed the petitioner to vacate the land in her possession situated in T.S.No.67, Ward C, Block No.4 to an extent of 0.05.60 Hectare within a period of 15 days and quash the same and consequently direct the respondents to issue patta to the petitioner by considering her representation dated 04.12.2023 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.N.GA.Natraj,
Govt. Advocate.

ORDER

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

Challenging the notice dated 15.12.2023 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 the petitioner has filed this Writ Petition.



W.P.(MD) No.1096 of 2024

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3. The learned counsel appearing for the petitioner submitted that though the petitioner and her family members are in possession of the property in question for more than 25 years by paying the tax, the second respondent, without considering the said fact, has passed the impugned order directing the petitioner to evict the land in question.

4. Considering the facts and circumstances of the case, we are of the view that as against the impugned order, the petitioner is having an appeal remedy before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. Therefore, we are not inclined to entertain this Writ Petition and the same is liable to be dismissed with liberty to the petitioner to file an appeal before the District Collector.



W.P.(MD) No.1096 of 2024

WEB COPY

5. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to file an appeal before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, as against the impugned order, within a period of one week from the date of receipt of a copy of this order. If any appeal is preferred by the petitioner within the stipulated time, the District Collector shall consider the same and pass appropriate orders in accordance with law, after providing opportunity to the petitioner as well as to the parties concerned. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

22.01.2024

Neutral Citation: Yes / No
Index : Yes / No

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W.P.(MD) No.1096 of 2024

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WEB COPY



W.P.(MD) No.1096 of 2024

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W.P.(MD)No.1096 of 2024

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