



W.P.(MD) Nos.1611 to 1614 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.1611 to 1614 of 2024

and

W.M.P.(MD)Nos.1634, 1636,1637, 1639 to 1643 of 2024

Paulthurai

... Petitioner in
W.P.(MD)No.1611/2024

Vadivammal

... Petitioner in
W.P.(MD)No.1612/2024

T.Parama Sivan

... Petitioner in
W.P.(MD)No.1613/2024

Kaliammal

... Petitioner in
W.P.(MD)No.1611/2024



W.P.(MD) Nos.1611 to 1614 of 2024

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Vs.

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

... Respondents

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned order issued by the 2nd respondent under Reference NIL, dated 08.01.2024 U/S 6 of Chennai III Schedule Act, 1905 following the notice dated 09.10.2023 as issued by the 3rd respondent U/S 7 Chennai III Schedule Act, 1905 in respect of the built up residential house to the extension of 89 sq.mt., 24 sq.mt., 70 sq.mt. and 35 sq.mt.



W.P.(MD) Nos.1611 to 1614 of 2024

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.N.Satheeshkumar,
(In all W.Ps) Addl. Govt. Pleader for R1 to R3

Mr.S.P.Maharajan,
Special Govt. Pleader for R4

COMMON ORDER

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

Challenging the notices dated 08.01.2024 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, following the notices dated 09.10.2023 issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the petitioners have filed these Writ Petitions.



W.P.(MD) Nos.1611 to 1614 of 2024

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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 and their family members are in possession and enjoyment of the property in question for several decades, the respondents 2 and 3 have issued the notices under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905. Hence, the petitioners have filed these Writ Petitions.

4. Considering the facts and circumstances of the case, we are of the view that as against the impugned notices, the petitioners are 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.

5. Accordingly, these Writ Petitions are dismissed with liberty to the petitioners to file an appeal before the District Collector under Section 10 of the



W.P.(MD) Nos.1611 to 1614 of 2024

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Tamil Nadu Land Encroachment Act, 1905, as against the impugned notices, within a period of two weeks 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 petitions are closed.

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

29.01.2024

Neutral Citation: Yes / No
Index : Yes / No

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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

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Tirunelveli.
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W.P.(MD)Nos.1611 to 1614 of 2024

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