



W.P.(MD) No.3225 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM:

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

**W.P.(MD) No.3225 of 2024
and W.M.P.(MD) Nos.3185 and 3186 of 2024**

S.Kondusamy

... Petitioner

-VS-

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam,
Madurai District.

3.The Tahsildar,
Tahsildar Office,
Kallikudi,
Madurai District.

4.The Village Administrative Officer,
Sivarakottai Village,
Kallikudi Taluk,
Madurai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the notice dated 01.02.2024 under Section 6 of Tamil Nadu Land Encroachment Act 1905 issued by the 3rd respondent and quash the same and consequently directing the 2nd respondent to dispose the proceedings in Na.Ka.No.A3/2549/2023 dated 22.12.2022 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Pandiyaraj

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

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

This Writ Petition has been filed challenging the notice dated 01.02.2024, issued under Section 6 of Tamil Nadu Land Encroachment Act 1905, by the 3rd respondent and quash the same and consequently, to direct the 2nd respondent to dispose the proceedings in Na.Ka.No.A3/2549/2023 dated 22.12.2022 within a time frame.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.



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6. In view of the above, the Writ Petition is disposed of with liberty to the petitioner to prefer an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondent is directed not to take any coercive steps to evict the petitioner. Since the property in question is classified as Grama Natham, it is open to the petitioner to place all the relevant materials before the appellate authority that he has been in possession of the same for several years and this aspect shall be considered by the appellate authority. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
14.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The District Collector,
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- 3.The Tahsildar,
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R.VIJAYAKUMAR, J.

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