



W.P.(MD) No.3215 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.3215 of 2024
and W.M.P.(MD) Nos.3176 and 3177 of 2024**

V.Pandiyarajan

... 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 3rd respondent to dispose the proceedings in O.Mu.No. 10/24/A3 dated 24.01.2024 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Pandiyaraj

For Respondents : Mr.S.P.Maharajan,
Special 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 3rd respondent to dispose the proceedings in O.Mu.No. 10/24/A3, dated 24.01.2024 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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3. According to the petitioner, the third respondent has issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and again issued the impugned notice under Section 6 of the Act. Further, according to the petitioner, the property in question i.e., S.No.6, Kulathuvaipatti Village, Kallikudi Taluk, Madurai District, has been classified as “Grama Natham”, in which he has constructed a house and living there and he has been in possession of the same for more than 50 years.

4. We have considered the submissions made on both sides and perused the materials produced before this Court.

5. The petitioner has challenged the impugned notice under Article 226 of the Constitution of India, when there is an efficacious alternative remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 to file an appeal and without exhausting the said remedy, the petitioner has filed this Writ Petition.



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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

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