



WMP (MD) No.4983 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Fourth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mrs.Justice L.VICTORIA GOWRI

WMP (MD) No.4983 of 2024
in
Review Aplw(MD) SR No.16039 of 2024

K.SUBBAIAH

... PETITIONER/PETITIONER

Vs

1 VALLI

2 THE DISTRICT COLLECTOR,
SIVAGANGAI DISTRICT,
SIVAGANGAI.

3 THE REVENUE DIVISIONAL OFFICER,
DEVAKOTTAI DIVISION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.

4 THE TAHSILDAR
KARAIKUDI TALUK, KARAIKUDI

5 THE VILLAGE ADMINISTRATIVE OFFICER,
KOOTHALUR BLOCK, KARAIKUDI TALUK,
SIVAGANGAI DISTRICT.

... RESPONDENTS/RESPONDENTS

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant

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leave to file the Review Application against the order in W.P.(MD).No. 6515 of 2023 dated 27.03.2023, on the file of this Hon'ble Court and thus render justice.

Prayer in Review Aplw(MD) SR No.16039 of 2024:

Pleaded to review the order passed by this Hon'ble Court in WP(MD)No.6515 of 2023 on the file of this Hon'ble Court dated 27.03.2023.

Prayer in WP(MD). 6515/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, challenging the impugned notice issued by the 3rd respondent of section 7 Notice of Land Encroachment Act, 1905 dated 08.03.2023 received by the petitioner on 09.03.2023 as illegal and quash the same and further directing the respondents to grant patta in favour of the petitioner, on the ground that the petitioner land is a Gramam Natham Land and the petitioner was in possession for several years.

ORDER : This Writ Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.SHANKAR GANESH, Advocate for the petitioner and of Mr.D.GANDHIRAJ, Special Government Pleader on behalf of the Respondents No.2 to 5, the court made the following order:-

(Order of the Court was made by R.SUBRAMANIAN, J.)

This petition has been filed seeking leave to seek review of the order dated 27.03.2023 made in WP (MD)NO.6515 of 2023. The challenge in this Writ Petition was to the Notice under Section 7 of the Land Encroachment Act 1905, we have allowed the Writ Petition on the ground that the Act itself would not apply to a property which is classified as Natham. It is the claim of the petitioners that the land belongs to the Village and the public have right in the land. If they have any right in the land it is open to them to establish their rights by way of properly constituted Civil Suit,



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they cannot seek review of this order. Hence, this petition is dismissed.

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sd/-
04/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JV
TO
1 THE DISTRICT COLLECTOR,
SIVAGANGAI DISTRICT, SIVAGANGAI.

2 THE REVENUE DIVISIONAL OFFICER,
DEVAKOTTAI DIVISION, DEVAKOTTAI,
SIVAGANGAI DISTRICT.

3 THE TAHSILDAR
KARAIKUDI TALUK, KARAIKUDI

4 THE VILLAGE ADMINISTRATIVE OFFICER,
KOOTHALUR BLOCK, KARAIKUDI TALUK,
SIVAGANGAI DISTRICT.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-18725[F] dated 05/04/2024)

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER (SR-4283[I] dated
08/04/2024)

ORDER IN
WMP (MD) No.4983 of 2024
in

Review Aplw(MD) SR No.16039 of 2024
Date :04/04/2024

SA/GS/SAR. /23.05.2024/3P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.