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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

CORAM:

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12908 of 2024
and
W.M.P(MD)No.11477 of 2024

Bose .. Petitioner

Vs

1.The District Collector,
Collectorate,
Ramanathapuram & District.

2.The Sub-Collector,
Paramakudi Taluk,
Ramanathapuram District.

3.The Tahsildar,
Kadaladi Taluk Office,
Kadaladi Taluk,
Ramanathapuram District. .. Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to pursuant to the notice dated 20.05.2024 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and its consequential impugned order dated 10.06.2024 in Na.Ka.B3/1517/2024

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and quash the same and consequently direct the 2nd and 3rd respondents to issue patta for the property bearing SF.No.448/40 situate at A.Punavasal Village, Kadaladi Circle, Ramnad District.

For Petitioner : M/s.A.Aruljenifer

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

THE HON'BLE ACTING CHIEF JUSTICE.
and
G.R.SWAMINATHAN, J.

Heard M/s.A.Aruljenifer, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader for the respondents.

2. The petitioner challenges the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act,1905(in short 'the Act'). Subsequent to the filing of this writ petition, it is seen that final order under Section 6 of the Act, has also been passed.

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3. The petitioner states that he has already sought issuance of patta and a direction has also been given by this Court for consideration of the petitioner's request vide order dated 12.10.2023 in W.P(MD)No.24231 of 2023. The petitioner apprehends that the aforesaid direction will be frustrated if the impugned proceedings are not interfered with.

4. We are not inclined to go into the merits in the present case. Since final order had already been passed, the petitioner is at liberty to file an appeal under Section 10 of the Act before the first respondent. If the appeal is filed within thirty days from the date of receipt of a copy of this order, the first respondent is directed to dispose of the said appeal on merits and in accordance with law, within a period of three months thereafter. All the contentions of the petitioner are left open. The petitioner will be heard in person before passing final order. Since the appeal is a continuation of the original proceedings and since we have directed the first respondent/appellate authority to give a time bound disposal, no coercive action will be taken before the final order is passed by the first respondent.

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5. This writ petition is disposed of accordingly. No Costs. Consequently, connected Miscellaneous Petition is closed.

(R.M.D., ACJ.) (G.R.S., J.)

18.06.2024

NCC: :Yes/No
Index :Yes/No

PM

To

1.The District Collector,
Collectorate,
Ramanathapuram & District.

2.The Sub-Collector,
Paramakudi Taluk,
Ramanathapuram District.

3.The Tahsildar,
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Kadaladi Taluk,
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THE HON'BLE ACTING CHIEF JUSTICE.
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G.R.SWAMINATHAN, J.

PM

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