



W.P.(MD)No.14333 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.14333 of 2024

and

W.M.P.(MD)No.12581 of 2024

1.R.Tamizharasi

2.K.R.Raviselvan

: Petitioners

Vs.

1.The District Collector,

Karur District,

Karur.

2.The Revenue Divisional Officer,

Karur,

Karur District.

3.The Tahsildar,

Tahsildar Office,

Aravakurichi & Taluk,

Karur District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records relating to the impugned proceedings of the third respondent in Na.Ka.No.A1/2295/2020 dated 08.06.2024 and quash the same.

For Petitioners : Mr.M.P.Senthil
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

O R D E R

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The prayer sought for herein is for a Writ of Certiorari, seeking to quash the impugned proceedings of the third respondent in Na.Ka.No.A1/2295/2020 dated 08.06.2024.

2.With regard to the land at S.No.892/1 at Kodanthur Thenpagam Village, to the extent of 0.12.0 ares, it is the contention of the revenue that it is a Government land which has been encroached upon by the petitioners. Therefore, already provisions of Act 3 of 1905 had been invoked and to that extent Section 6 order has been passed on 30.06.2021. As against which, one of the



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petitioner, namely the first petitioner has filed an appeal under Section 10 of the said Act to the first respondent / District Collector on 07.07.2021.

3.The said appeal had been directed to be enquired upon by the second respondent namely, the Revenue Divisional Officer, Karur and to that extent, a delegation has been given by the first respondent to the second respondent by his communication dated 28.07.2021, pursuant to which, according to the learned Counsel for the petitioners, no enquiry has been conducted and still the appeal filed by the petitioners is pending with the said authorities namely first and second respondents.

4.When that being so, invoking the very same provisions of Act, 1905, the present order has been passed under Section 6 of the Act on 08.06.2024. Therefore, challenging the same, the present writ petition has been filed.

5.Heard the learned Special Government Pleader appearing for the respondents, who would submit that, if it is a 2021 appeal, certainly, it would have been disposed of. If it had not been disposed of, it would be taken up and after the enquiry, orders



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would be passed. If already orders are passed, it would be communicated to the petitioner. Any how, depending upon the order either to be passed or already passed by the respondent, further action would be taken by the revenue authorities under the Act.

6. Having regard to the submission made by the learned Government Pleader, this Court is inclined to dispose of the present writ petition with the following direction:

“that there shall be a direction to the first and second respondents to complete the enquiry on the appeal filed by the first petitioner as against the order passed by the Tahsildar, under Section 6 of the Act dated 30.06.2021 and so far, if the appeal is not disposed of, the same shall be enquired upon and decided on merits by the first respondent, of course, with the aid of the second respondent. If the appeal has already been disposed of, the copy of the order shall be communicated to the petitioners. Any how, depending upon the order either to be passed or already passed on the appeal of the petitioner



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dated 07.07.2021, the further course of action on the present impugned order dated 08.06.2024, can be decided and acted upon, accordingly. Till such time, the impugned order will be kept in abeyance.”

7.With these directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]

01.07.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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To

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and
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ORDER MADE IN
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