



W.P.(MD) No.19539 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.19539 of 2024
and
W.M.P.(MD)Nos.16579 and 16580 of 2024**

N.Patchamuthu

... Petitioner

-VS-

- 1.The District Collector,
Trichirapalli Collector office,
Trichirappalli District.
- 2.Revenue Divisional Officer,
Lalgudi Revenue Office,
Trichirapalli District.
- 3.The Tahsildar,
Lalgudi Taluk Office,
Trichirapalli District.
- 4.Block Development Officer,
Pullambadi Block Development Office,
Lalgudi Taluk,
Trichirapalli District.
- 5.Neikulam Panchayat,
Rep. By its Head of Panchayat Union,
Neikulam,
Lalgudi,
Trichirapalli District.

6.Ramaraj

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the third respondent proceedings No.Nil dated 29.07.2024 quash the same as illegal and consequently, the third respondent not to evict the petitioner till disposal of the appeal pending before the Additional Chief Secretary and Land Reforms Commissioner, Chennai.

For Petitioners : Mr.S.B.Kayvin Prince
For Respondents 1 to 4 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 4. Notice to the respondents 5 and 6 is deemed unnecessary. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Though the challenge is to order dated 29.07.2024, purportedly issued under Section 6 of the Land Encroachment Act, 1905, we find that a notice under Section 7 of the Act, was issued on 26.07.2023 and it was followed by an order of eviction on 11.07.2023 and the same was challenged by way of Appeal before District Collector under Section 10 of the Act. The Appeal came to be disposed of on 20.02.2024. Aggrieved the petitioner has preferred a Revision before the Land Commissioner under Section 10A of the



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Land Encroachment Act, 1905, which is stated to be pending. In the meanwhile, another notice under Section 6 of the Act was issued. It is obviously an error. Section 10B empowers the Commissioner Land Administration to grant stay of further proceedings, pending Revision before him. Therefore, the challenge to the second notice under Section 6, cannot be entertained.

3.The Writ Petition is therefore, dismissed with liberty to the petitioner to move the Land Commissioner seeking stay of execution. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

14.08.2024

NCC : No
Index : No
Internet : Yes
Mrn

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Mrn

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