



W.P(MD)No.10502 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.10502 of 2018
and
W.M.P(MD)Nos.9604 & 9605 of 2018
and
W.M.P(MD)No.17021 of 2019**

Nagalingam

... Petitioner

vs.

1. The District Collector
Thoothukudi District, Thoothukudi.
2. The Thasildar,
O/o.The Thasildar, Kovilpatti Taluk,
Thoothukudi District
3. The Block Development Officer,
Town Panchayats, Kovilpatti, Thoothukudi
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 the pertaining to the impugned order / notice, dated 25.04.2018, passed by the 3rd respondent and quash the same and consequently, direct the respondents to issue proper notice to the petitioner and to conduct an enquiry after affording due opportunities to the Petitioner and till then forbear the Respondents from disturbing his possession.



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For Petitioner : Mr.S.M.A.Jinnah
For R-1 & R-2 : Mr.V.Nirmal Kumar
Government Advocate
For R-3 : No Appearance

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition, to quash the impugned notice, dated 25.04.2018 issued by the third respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905(in short 'the Act')

2. The contention of the petitioner is that under the Act, the competent authorities are the Revenue Officials for initiating action for removal of encroachment if the land is classified as 'Natham Land'. Since the subject land is a 'Natham Land', the third respondent has no jurisdiction to issue the impugned notice and therefore, the same is liable to be set aside.

3. In view of the above, we are not inclined to go into the other grounds raised in the writ petition and only on the ground of lack of



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WEB COURT jurisdiction, we are inclined to interfere with the impugned notice issued by the third respondent.

4. In the result, the impugned notice issued by the third respondent, dated 25.04.2018, is set aside and the writ petition is allowed. It is for the Revenue Officials to proceed further for removal of encroachment if any, in accordance with law, at an earliest, after providing opportunity to all the parties concerned. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]

27.02.2024

NCC : Yes / No
Index : Yes / No
PM
To

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

PM

ORDER MADE IN
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