



W.P.(MD).No.22071 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.22071 of 2021

and

W.M.P.(MD).Nos.18680 of 2021 and 540 of 2022

Krishnan

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Srirangam Division,
Vannankovil, Navalur Kuttapattu Post,
Trichy Dindigul National Highway,
Trichy District.

4.The Tahsildar,
Marungapuri Taluk,
Kallupatti Post,
Trichy District.

5.N.T.Ramasamy

... Respondents

(R-5 is impleaded vide Court order dated 11.12.2024 made in W.M.P.(MD).No. 18025 of 2023 in W.P.(MD).No.22071 of 2021)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in Moo.Mu.Aa1/28843/2021, dated 02.12.2021 and quash the same.

For Petitioner : Mr.R.Subramanian

For R-1 to R-4 : Mr.J.Ashok

Additional Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition is filed challenging the impugned order passed by the first respondent dated 02.12.2021.

2. When the official respondents herein had initiated action in accordance with the provisions of the Land Encroachment Act, 1905 (hereinafter referred to as “Act”), by issuing a show cause notice under Section 7 of the Act, which was followed by an eviction order under Section 6 of the Act, the proceedings does not suffer from any procedural irregularity. While so, the petitioner had also chosen to invoke Section 10 of the Act by filing an appeal against the eviction order and the same was rejected by the District Collector on 02.12.2021, which is impugned in the present writ petition.



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3. In the present Writ Petition, the petitioner has raised grounds touching upon the factual aspects that the lands in Survey No.304/19 and the adjacent lands in Survey No.304/20 are Natham lands and therefore, the proceedings under the Land Encroachment Act is not legally sustainable. All these factual aspects have been considered by the Tahsildar while passing an order under Section 6, as well as by the District Collector while considering the appeal under Section 10. When factual findings have been rendered by the concerned authorities, this Court in exercise of its powers under Article 226 of the Constitution of India will not venture to interfere with the same, except under few exceptions. The petitioner has not raised any grounds touching upon any perversity of the order or procedural irregularities. So also, there is no plea with regard to violation of principles of natural justice. As such, we do not find any merits in the Writ Petition.

4. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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