



W.P(MD)No.24016 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM :

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

**W.P(MD)No.24016 of 2024
and
W.M.P.(MD)Nos.20331 and 20333 of 2024**

Ponnaiya, S/o.Gurusamy

... Petitioner

vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Revenue Inspector,
Thevaram,
Uthamapalayam Taluk,
Theni District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order passed by the third respondent vide his proceedings in G.O.Ms.No.540, Revenue LD6(2), dated 04.12.2014, Tamil Nadu Land Encroachment Act, 1905, 6 and 7 dated 20.09.2024 in Survey No.1044/7 extent of 0.18.60 situated in Thevaram Village, Uthamapalayam Taluk, Theni District and to quash the same.



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For Petitioner : Mr.S.Balaji

For Respondents : Mr.P.T.Thiraviyam
Government Advocate

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in the Writ Petition is to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as "the Act"].

2. The land in Survey No.1044/7 is classified as "குதுவல்". Since there was a doubt regarding the nature of the classification of the land, we had required the learned Government Advocate to clarify the same.

3. Today, when the matter is taken up for hearing, Mr.S.Karthick, Zonal Deputy Tahsildar, Uthamapalayam, is present in person. He would submit that the term "குதுவல்" is a Telugu word, which is used locally to indicate sand dunes formed due to the wind circulation in the Valley in the Western Ghats.

4. The revenue records show that the land in Survey No.1044/7 is classified as Poramboke. The petitioner owns Survey Nos.1044/6 and 8 and has encroached upon a portion of Survey No.1044/7. Be that as it may, what is



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under challenge is only a notice issued under Section 7 of the Act. Once it is found that the land is a Poramboke land, we cannot take exception to the action of the authorities in issuing a notice for removal of encroachment. We permit the petitioner to file his objections within a period of 15 days from today and if any objection is filed within the said period, the Tahsildar, Uthamapalayam, will consider the same and pass appropriate orders under Section 6 of the Act.

5. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

(R.S.M, J.) (L.V.G, J.)
21.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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