



W.P.(MD)No.24483 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.24483 of 2024

and

W.M.P.(MD)No.20829 of 2024

Ayyavoo

: Petitioner

Vs.

1.The District Collector,
O/o. District Collector Office,
Madurai.

2.The Thasildar,
O/o. Tahsildar Office,
Vadipatti,
Madurai District.

3.The Village Administrative Officer,
Kulasekarankottai,
Vadipatti Taluk,
Madurai District.



W.P.(MD)No.24483 of 2024

4.The Executive Officer,
Vadipatti Town Panchayat,
Vadipatti,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the impugned order passed by the second respondent dated 26.04.2023 u/s.6 of the Tamil Nadu Land Encroachment Act and quash the same as illegal and devoid of merits and consequently direct the second respondent not to disturb the petitioner and issue the patta to his name on the basis of XIX-Anumandham patta dated 07.03.2023 forthwith.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.SRA.Ramachandran

Additional Government Pleader

O R D E R

[Order of the Court was made by **M.S.RAMESH, J.**]

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.



W.P.(MD)No.24483 of 2024

WEB COPY

2.Challenging the impugned notice of the second respondent dated 26.04.2023, the petitioner is before this Court.

3.After issuance of a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905' (hereinafter referred to as 'the Act'), calling for the petitioner's objections, proposed action of removing of the encroachment, an order under Section 6 of the Act dated 26.04.2023 has been issued.

4.As against an order of eviction passed under Section 6 of the Act, an appeal remedy is provided for under Section 10 of the Act to the District Collector.

5.What is put under challenge in the present writ petition is only a consequential notice, which is not an action provided under the Act for evicting the petitioner from the subject lands. The petitioner has chosen to challenge the final orders passed under Section 6 of the Act. Even otherwise, when the Act provides for an effective appeal remedy before the District Collector against order under Section 6, it would not be appropriate to entertain the present writ petition, which challenges the Section 6 notice.



W.P.(MD)No.24483 of 2024

Hence, we are of the view that an opportunity can be given to the petitioner to avail the statutory remedy and protect his possession till such time.

6.In the light of the above observation, the petitioner is granted liberty to file an appeal before the first respondent District Collector under Section 10 of the Act within a period of ten [10] days from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action to disturb the petitioner's possession over the subject land.

7.Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

08.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.P.(MD)No.24483 of 2024

To

- 1.The District Collector,
O/o. District Collector Office,
Madurai.
- 2.The Thasildar,
O/o. Tahsildar Office,
Vadipatti,
Madurai District.
- 3.The Village Administrative Officer,
Kulasekarankottai,
Vadipatti Taluk,
Madurai District.
- 4.The Executive Officer,
Vadipatti Town Panchayat,
Vadipatti,
Madurai District.



WEB COPY



W.P.(MD)No.24483 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
W.P.(MD)No.24483 of 2024

08.11.2024