



W.P(MD)No.24034 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM :

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

**W.P(MD)No.24034 of 2024
and
WMP(MD)Nos.20353 and 20354 of 2024**

Mukkalathor Nalasangam,
Kamuthakudi,
Registration No.79/2020,
No.1/402, Kamuthakudi Village and Post,
Ramanathapuram District,
Rep. by its President,
Mr.Durai Shanmugam,
S/o. Duraisamy

... Petitioner

vs.

1. The Thasildar,
Paramakudi,
Ramanathapuram District.

2. The District Collector,
Ramanathapuram District.

3. R.Senthilkumar

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order in Na.Ka.No.A3/6843/2023 dated 19.09.2024 on the file of the 1st Respondent and quash the same.



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For Petitioner : Mr.G.Prabhu Rajadurai
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

A peculiar situation has arisen whereby two orders have been passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as "the Act"] against the same person in respect of the very same property.

2. Earlier, the petitioner was issued with the notice under Section 7 of the Act, dated 24.01.2024. The same was challenged in W.P.(MD)No.1899 of 2024. The said Writ Petition came to be disposed of on 31.01.2024, requiring the petitioner to submit its objections to the notice within a period of two weeks from 31.01.2024 and further directing the Tahsildar, Paramakudi, to consider the objections and pass orders after affording an opportunity of hearing to the petitioner. Consequent upon that, an order under Section 6 of the Act came to be passed on 15.02.2024. The said order has been challenged by the petitioner under Section 10 of the Act before the District Collector, Ramanathapuram. The said appeal is stated to be pending.



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3. Even during the pendency of the appeal, another Writ Petition in W.P. (MD)No.19908 of 2024 came to be filed by a third party, seeking a Writ of Mandamus, directing the authorities to proceed with eviction. The said Writ Petition came to be disposed of by us on 20.08.2024, directing the authorities to proceed under Section 6 of the Act.

4. Taking advantage of this direction, the Tahsildar, Paramakudi, has issued the impugned order under Section 6 of the Act once-over again. A reference is also made to our order dated 20.08.2024, in the impugned order passed under Section 6 of the Act. The Tahsildar could have done well to have approached this Court seeking a clarification as to whether a second order under Section 6 of the Act could be passed by bringing it to the notice of this Court that already an order under Section 6 of the Act has been passed and the same is subject matter of appeal before the District Collector, Ramanathapuram, under Section 10 of the Act. While appreciating the Tahsildar, Paramakudi, for the reverence shown by him to the order of this Court in issuing a Section 6 order for the second time against the same person in respect of the same property, we also wish to point out such undue reverence at times leads to situations like this, where multiple orders are passed under the provisions of law against the same person in respect of the same property. Hence, we have



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no hesitation in allowing the Writ Petition and setting aside the order dated 19.09.2024. The Tahsildar, Paramakudi, will await the disposal of the appeal under Section 10 of the Act pending before the District Collector, Ramanathapuram, to proceed further.

5. The Writ Petition is allowed accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

(R.S.M, J.) (L.V.G, J.)
14.10.2024

Index : No
Neutral Citation : No
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To

1. The Thasildar,
Paramakudi,
Ramanathapuram District.

2. The District Collector,
Ramanathapuram District.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.24034 of 2024
DATED : 14.10.2024