



W.P.(MD) No.25825 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM:

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

**W.P.(MD) No.25825 of 2024
and
W.M.P.(MD)Nos.21912 and 21914 of 2024**

Subramaniyam

... Petitioner

-VS-

1.The District Collector – cum – Monitoring Committee,
Tiruchirappalli District.

2.The Tahsildar,
Thuraiyur Taluk,
Tiruchirappalli District.

3.The Revenue Inspector,
Thuraiyur Region,
Thuraiyur Taluk,
Tiruchirappalli District.

... Respondents

PRAYER: 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 dated 22.10.2024, passed by the second respondent vide proceeding No.ந.க.அ2/7329/2019.

For Petitioner

: Mr.C.Senthil Murugan

For Respondents

: Mr.S.R.A.Ramachandran

Additional Government Pleader



W.P.(MD) No.25825 of 2024

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.R.A.Ramachandran, learned Additional Government Pleader takes notice for the respondents.

2.The challenge is to the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3.The learned counsel for the petitioner would contend that there was no notice under Section 7 of the Act.

4.Mr.S.R.A.Ramachandran, learned Additional Government Pleader has produced the file relating to the proceedings. It is seen that Section 7 notice was in fact, served on Maheswari, wife of the petitioner, as early as on 05.01.2022.

5.Therefore, the only claim of the petitioner with regard to non service of notice under Section 7 does not survive. The order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, is made appealable under Section 10 before the appellate authority, namely, District Collector. No special circumstance has been made out by the petitioner to enable interference under Article 226, de hors the existence of alternative remedy.



W.P.(MD) No.25825 of 2024

6.Hence, the Writ Petition is dismissed reserving the right of the petitioner to approach the District Collector by way of an Appeal. If the petitioner files an Appeal within a period of 4 weeks from today, the District Collector will entertain the Appeal without reference to limitation and dispose of the same on merits. Till such time the Appeal is disposed of, the authorities will not implement the order passed under Section 6. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

25.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn

To

- 1.The District Collector – cum – Monitoring Committee,
Tiruchirappalli District.
- 2.The Tahsildar,
Thuraiyur Taluk,
Tiruchirappalli District.
- 3.The Revenue Inspector,
Thuraiyur Region,
Thuraiyur Taluk,
Tiruchirappalli District.



WEB COPY



W.P.(MD) No.25825 of 2024

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

Mrn

W.P.(MD) No.25825 of 2024

25.10.2024