



W.P(MD)No.26830 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.26830 of 2024
and
W.M.P(MD)No.22738 of 2024**

Rajappa

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

3.The Tahsildar,
Avudayarkoil,
Pudukkottai District.

4.The Revenue Inspector,
Embal Pirka,
Avudayarkoil Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a
Writ of Certiorarified Mandamus calling for the records of the third respondent



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pertaining to the notice under Section 6 of Tamil Nadu Land Encroachment Act, dated 04.11.2024 in respect of land in S.No.131/5, Old S.No.79/B1 of Okur Village, Avudayar Kovil Taluka, Pudukkottai District and to quash the same and consequently to direct the respondents not evict the petitioner from S.No. 131/5, Old S.No. 79/B1.

For Petitioner : Mr.P.Aju Tagore

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petitioner challenges the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. One M.Veeravel filed W.P(MD)No.3764 of 2023 for removal of encroachment in Survey No.79B/1, Okkur Village, Avudayar Kovil Taluk, Pudukkottai District. When the matter was taken up for hearing, the learned Government Advocate submitted that notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 had been issued. We only directed that proceedings should be taken to their logical conclusion. We did not go in the merits of the matter.



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3.The petitioner submitted his reply only on 04.11.2024. On the same day, order under Section 6 of the Act had also been passed.

4.The learned counsel for the petitioner draws our attention to the relevant entry made in the A-Register in which it is mentioned that Survey No. 79B/1 has been classified as “natham”.

5.We again do not want to go into the merits of the controversy. The order impugned in this writ petition is appealable. The petitioner is given liberty to file an appeal before the appellate authority. If such appeal is filed within a period of four weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation and given disposal on merits and in accordance with law within a period of six months thereafter. Till the appeal is disposed of, the order impugned in this petition will not be enforced. The benefit of this order will not be available to the petitioner if such appeal is not filed within four weeks from the date of receipt of a copy of this order.



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6.This Writ Petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
11.11.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

3.The Tahsildar,
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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