



WP(MD). No.27809 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD).No.27809 of 2024 and
WMP(MD) No.23606 and 23607 of 2024

T.Selvi

... Petitioner

Vs

**1. The District Collector,
Dindigul District..**

**2. The Revenue Divisional Officer,
Dindigul District..**

**3. The Tahsildar,
Vedasandhur Taluk,
Dindigul District..**

**4. V. Muniyappan,
President,
Sukkampatti Panchayat,
Vedasandhur Taluk,
Dindigul District..**

**5. M.L. Subramani,
Vice President,
Sukkampatti Panchayat,
Vedasandhur Taluk,
Dindigul District..**



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6. Sivakumar,
VAO, Sukkampatti Panchayat,
Vedasandhur Taluk,
Dindigul District..

7. P. Subbulakshmi,
W/o. Pandian,
Door No.3/399, Middle Street,
Valavichetti Patti, Sukkampatti Panchayat,
Vedasandhur Taluk,Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to to call for the records pertaining to the impugned notice of the 3rd respondent in Na.Ka. No.7335/2023/A3 dated 12.11.2024 and quash the same and consequently direct official respondents to abide by the orders passed by this High Court in WP No.24679 of 2023 dated 12.10.2023 in furtherance of G.O. Ms. No.64, Revenue and Disaster Management Department, Land Disposal Wing (LD6) (2) Section dated 08.02.2022.

For Petitioner : Mr.R.S.Sivaram
For Respondents : Mr.S.Shaji Bino for R1 to R3
Special Government Pleader

ORDER

(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.



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2. Since no adverse order is going to be passed against the private respondents, notice to the private respondents is dispensed with.

3. Challenging the impugned notice of the 3rd respondent dated 12.11.2024, the petitioner is before this Court.

4. After issuance of a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1971 (hereinafter referred to as 'the Act') dated 21.09.2024 calling for the petitioner's objections, proposed action of removing of the encroachment, an order under Section 6 of the Act dated 23.09.2024 has been issued. Thereafter notice for removal of the encroachment dated 12.11.2024 has been issued to the petitioner herein, which is put under challenge in the present writ petition.

5. 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.



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6. 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 not 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 only a consequential action for evicting the petitioner. However, since it is claimed by the petitioner that they have now been evicted from the residential house, which is under their occupation for more than 40 years, 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.

7. 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 30 days from the date of receipt of a copy of this order. Till such time, the respondents 1 to 3 shall not take any coercive action to disturb the petitioner's possession over the subject land.



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8. Accordingly, the writ petition stands disposed of. No costs.

Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

[A.D.M.C.,J]

20.11.2024

NCC : Yes/No

Index : Yes/No

RR

To

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

RR

ORDER
IN
WP(MD) No.27809 of 2024

Date : 20/11/2024