



WEB COPY



W.P. Nos.14565 & 14568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.Nos.14565 and 14568 of 2025

Thangamani
Chinnarasu

Petitioner in WP No.14565/2025
Petitioner in WP No.14568/2025

vs.

1. The District Collector
Dharmapuri District
 2. The District Revenue Officer
Dharmapuri District
 3. The Assistant Director of Town Panchayat
Dharmapuri District
 4. The Tashildar
Pappireddipatti
Dharmapuri District
 5. The Executive Officer
Pappireddipatti Town Panchayat
Dharmapuri District
- Respondents in both WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the entire records relating to the impugned notice passed by the 5th respondent in his proceedings Na.Ka.No.41/2025/A1 dated 01.04.2025 and quash the



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same and consequently, forbear the respondents from interfering with the peaceful possession of the petitioners without following due process of law.

For petitioner
in both WPs

Mr. Krishnasamy Chinnasamy

For RR 1 to 4
in both WPs

Mr. T.K. Saravanan
Addl. Govt. Pleader

For R5
in both WPs

Mr. K. Karthikeyan
Govt. Advocate

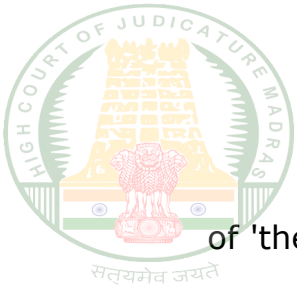
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COMMON ORDER

[made by M. SUNDAR, J.]

Captioned main 'writ petitions' [hereinafter 'WPs' for the sake of brevity] have been filed with a prayer for issue of a writ of certiorari assailing 'a notice dated 01.04.2025 bearing reference Na.Ka.No.41/2025/A1 issued by R5 (The Executive Officer, Pappireddipatti Town Panchayat, Dharmapuri District)' [hereinafter 'impugned notice' for the sake of convenience and clarity].

2. Mr. Krishnasamy Chinnasamy, learned counsel on record for writ petitioners, is before this Court. Learned counsel submitted that R5 lacks jurisdiction to issue the impugned notice under Section 7



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of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [for brevity 'said 1905 Act'].

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3. Issue notice to respondents.

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for RR 1 to 4 in both WPs and Mr.K.Karthikeyan, learned Government Advocate, accepts notice for R5 in both WPs.

5. At the outset, it is apropos to point out that a careful perusal of the language in which Section 7 of said 1905 Act is couched, makes it abundantly clear that a notice under Section 7 can be issued only by 6 categories of authorities and they are:

- i. Collector;
- ii. Tahsildar;
- iii. Deputy Tahsildar;
- iv. Revenue Inspector;
- v. Authorized officer; and
- vi. Specified Officer other than authorized officer.



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6. There is no dispute before us that R5 is neither an 'authorised officer' nor a 'specified officer' within the meaning of Section 7 of said 1905 Act. Therefore, on this short and solitary ground itself, the impugned notice deserves to be dislodged.

7. We make it clear that all questions raised by the writ petitioner in the writ support affidavit are left open for being raised by the writ petitioner if a notice is issued afresh under Section 7 of said 1905 Act or if any other proceedings are commenced.

8. *Ergo*, the sequitur is, captioned WPs are allowed, a writ of certiorari is issued, impugned common notice is set aside. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
24.04.2025

cad
Index : Yes/No
NC : Yes/No



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and

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