



W.P.No.34972 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.34972 of 2024

K.Ramani

W/o.Dhanapal

... Petitioner

Vs.

1. The District Collector
Collectorate, Tiruppur.

2. The Tahsildar
Dharapuram Taluk
Dharapuram - 638 656.

3. Aruldoss
S/o.Rajamanickam

4. K.Rajendran
S/o.Koil Pillai

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 2 to issue notice to the petitioner before evicting the petitioner from the premises

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No.47, Ambedkar Street, Chitharavuthanpalayam, Alangiyur Road,
Dharapuram - 638 656, Tiruppur District which is situate at S.F.No.204,
Chitharavuthanpalayam Village, Dharapuram Taluk, Tiruppur District in
Government Poramboke land.

For Petitioner : Ms.R.Pushpalatha
For Respondents : Mr.M.S.Arasakumar
Government Advocate
for R1 and R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.**,]

This order will now dispose of the captioned main 'Writ Petition'
{ 'WP' for the sake of brevity }.

2. This order has to be read in conjunction with and in continuation of
earlier proceedings made in the previous listing on 17.12.2024 which reads
as follows:

'W.P. No.34972 of 2024

M. SUNDAR, J.

and

K. RAJASEKAR, J.

*Read this in conjunction with and in continuation of earlier
proceedings made in the previous listings on 26.11.2024 and
03.12.2024 which read as follows:*



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Proceedings dated 26.11.2024:

'W.P.No.34972 of 2024

M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

[Order of the Court was made by M.SUNDAR. J.]

Mr.C.Deivasigamani, learned counsel on record for writ petitioner, advertng to an order dated 05.03.2024 made in W.P.No.15503 of 2016 submits that a notice has to be issued before evicting the writ petitioner from 'No.47, Ambedkar Street Chitharavuthanpalayam, Alangiyur Road, Dharapuram - 638 656, Tiruppur District which is situate in S.F.No.204' {hereinafter 'said property' for the sake of brevity}.

2. Issue notice to official respondents i.e., R1 & R2.

3. Mr.T.K.Saravanan, learned Government Advocate accepts notice for official respondents i.e., R1 & R2. Learned State Counsel requests for a short accommodation to get instructions and revert to this Court. Request acceded to.

List one week hence in the Admission Board i.e., Motion List. List on 03.12.2024.'

Proceedings dated 03.12.2024:

'W.P.No.34972 of 2024

M.SUNDAR, J.,

and

K.RAJASEKAR, J.,

[Order of the Court was made by M.SUNDAR. J.]

Advertng to 26.11.2024 proceedings, learned State Counsel requests for further time. Request acceded to.



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*List a fortnight hence in the Admission Board
i.e., Motion List. List on 17.12.2024.'*

2. *Adverting to the aforereferred two proceedings,
learned State counsel requests for further time. Request acceded to.*

3. *List under the same cause list caption in the Admission
Board i.e., Motion List, three weeks hence.*

4. *List on 07.01.2025.'*

3. Adverting to the aforesaid earlier proceedings, learned State Counsel submits that writ petitioner will be show caused vide Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity}. This submission is recorded.

4. This Court has repeatedly held that 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' which is being referred to as 'said 1905 Act' is a self contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show caused under section 7 followed by an order (considering the cause shown). The order under section 6 is appealable under section 10 [District Collector is the appellate authority] and there is a provision for further revision to the



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Government under Section 10-A [Section 10-A(3) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense of the expression.

5. Notwithstanding very many averments and grounds raised in the writ support affidavit, lone grievance of writ petitioner i.e., grievance that writ petitioner has to be show caused now stands addressed.

Therefore, we dispose of captioned WP as closed albeit recording the stated position of learned State Counsel. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

07.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

1. The District Collector
Collectorate, Tiruppur.

2. The Tahsildar
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Dharapuram - 638 656.

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and
K.RAJASEKAR, J.,

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