



WEB COPY



W.P.No.39237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.39237 of 2024

&

W.M.P.No.42497 of 2024 in W.P.No.39237 of 2024

Shahul Hameed

S/o.K.M.Shet Mohamad

.. Petitioner

VS

1. The District Collector

District Collectorate

Erode

Erode District – 638 004

2. The Revenue Divisional Officer

Erode

Erode District

3. Tahsildhar

Erode Taluk

Erode District



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4. M.Rangasamy

S/o. Marappa Gounder

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to consider the petitioner objections and hear the petitioner before proceeding to remove the petitioner house at Door No.13-A, Peiya Semur, K.Kulam situated in Survey No.170/1 of Periyasemur Village, Erode Taluk and Erode District.

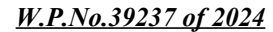
For Petitioner : Mr.J.Titus Enock

For Respondents : Mr.T.K.Saravanan
Government Advocate for R1 to R3

ORDER

(Order of the Court was made by M.SUNDAR, J.)

When the matter was taken up, Mr.Titus Enock, learned counsel for writ petitioner very fairly submitted that the writ petitioner has since received a notice under Section 7 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said



counsel has placed before us a copy of the notice and a scanned reproduction of the same is as follows:

[illegible]

contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show-cause 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 Government under Section 10-A.



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[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.

3. Therefore, we leave open all questions preserving the rights and contentions of all concerned and dispose of the captioned writ petition recording the stated obtaining position and holding that the proceedings in accordance with said 1905 Act will continue and be concluded as expeditiously as the business of the official respondents would permit. Consequently, captioned Writ Miscellaneous Petition is also disposed of as closed. There shall be no order as to costs.

[M.S., J]

[K.R.S., J]

02.01.2025

Index: Yes/No

Neutral Citation: Yes/No

gpa

To



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**M.SUNDAR,J.,
and
K.RAJASEKAR, J.,

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