



W.P.(MD).No.1588 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.01.2025

CORAM

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

W.P.(MD).No.1588 of 2025  
and  
W.M.P.(MD).Nos.1134 and 1136 of 2025

1.R.Devasenathipathi

2.R.Kandasamy

3.K.Selvaraj

... Petitioners

Vs.

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The District Monitoring Committee,  
District Collector Campus,  
Dindigul District,  
Dindigul.

3.The Tahsildar,  
Oddanchathiram,  
Dindigul District.

4.The Revenue Inspector,  
Oddanchathiram,  
Dindigul District.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records relating to the impugned notice of the 3<sup>rd</sup> respondent in his proceedings in Na.Ka.No.1069/2022/Aa3 dated 20.12.2024 in respect of the petitioners' land in Survey Nos.247/1, 274/2B, 247/3, 239/1A2, 346/2A9 in Irulakudumbanpatti Utkadai, Oddanchathiram Taluk, Dindigul District and quash the same.

For Petitioners : Mr.S.Siva Thilakar

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

### **ORDER**

**(Order of the Court was made by M.S.RAMESH,J.)**

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. Challenging the impugned notice of the third respondent dated 20.12.2024, the petitioners are before this Court.

3. After issuance of notices under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act') dated 30.10.2024, calling for the petitioners' objections for the proposed action of removing the encroachments made by the petitioners, the impugned notice under Section 6 of the Act dated 20.12.2024, has been issued.



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4. As against the impugned eviction notice issued under Section 6 of the Act, an appeal remedy is provided for under Section 10 of the Act, to the District Collector.

5. In this Writ Petition, the petitioners have challenged the eviction notice issued under Section 6 of the Act. When the Act provides for an effective appeal remedy before the District Collector against the eviction notice under Section 6, it would not be appropriate to entertain the present Writ Petition, which challenges Section 6 notice. Hence, we are of the view that an opportunity can be given to the petitioners to avail the statutory remedy and protect their possession till such time.

6. In the light of the above observations, the petitioners are granted liberty to file an appeal before the first respondent/District Collector under Section 10 of the Act, within a period of one [1] week from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive action to disturb the petitioners' possession over the subject land.



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7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

**(M.S.R.,J.) (A.D.M.C.,J.)**  
**22.01.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Lm

To

- 1.The District Collector,  
Dindigul District,  
Dindigul.
- 2.The District Monitoring Committee,  
District Collector Campus,  
Dindigul District,  
Dindigul.
- 3.The Tahsildar,  
Oddanchathiram,  
Dindigul District.
- 4.The Revenue Inspector,  
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**M.S.RAMESH,J.**  
**and**  
**A.D.MARIA CLETE,J.**

Lm

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