

W.P(MD)Nos.1692 to 1694 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM :

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

W.P(MD)Nos.1692 to 1694 of 2025

and

WMP(MD)Nos.1198, 1199, 1202, 1203, 1200 and 1201 of 2025

Anthonyammal	... Petitioner in W.P(MD)No.1692/2025
Christina Jenifer	... Petitioner in W.P(MD)No.1693/2025
Nirmala	... Petitioner in W.P(MD)No.1694/2025

VS.

1. The State of Tamil Nadu,
Represented by the District Collector,
Office of the District Collector,
Dindigul, Dindigul District.

2. The Tahsildar,
Office of the Thasildar,
Vedasandur Taluk,
Dindigul District.

3. The Block Development Officer,
Office of the Block Development Officer,
Vedasandur Taluk,
Dindigul District.

4. L.Lourdhusamy ... Respondents in all WPs

Prayer in all WPs : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records



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pertaining to impugned notice dated 06.01.2025 in Na.Ka.1283/2021/A3 issued by the 2nd respondent and quash the same as illegal and arbitrary and consequently direct the 2nd respondent to conduct proper enquiry by verifying the documents available with the petitioner and to issue house site patta to the petitioner in S.No.198, Rajiv Gandhi Nagar, Malvarpatti Village, Vedasandur Taluk, Dindigul District, within a stipulated time fixed by this Honourable Court

For Petitioner(in all WPs) : Mr.V.Muthumani
For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

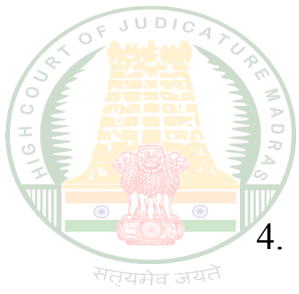
COMMON ORDER

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

By consent of both sides, the writ petitions themselves are taken up for final disposal at the stage of admission itself.

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

3. Challenging the impugned order of the second respondent dated 06.01.2025, the petitioners are before this Court.

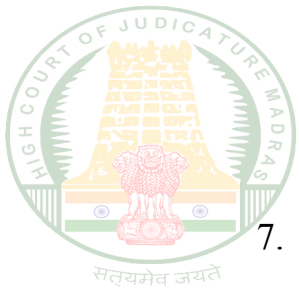


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4. In compliance of the direction issued by this Court in W.P(MD)No.28315 of 2023, dated 30.11.2023, notices under Section 7 and 6 of 'the Tamil Nadu Land Encroachment Act, 1905' (hereinafter referred to as 'the Act'), were issued to the petitioners. Despite the same, since the petitioners did not come forward to remove the encroachments by themselves, the impugned final order dated 06.01.2025, has been passed for removal of encroachments by the authorities.

5. As against the impugned order, an appeal remedy is provided for under Section 10 of the Act to the District Collector.

6. Though the petitioners have appeal remedy against the eviction notice under Section 6 of the Act, they had not chosen to file appeal. In the interregnum, the impugned final order has been passed, whereby, removal of encroachment is scheduled today at 09.00 a.m. The petitioners have challenged the said final order in these writ petitions. When the Act provides for an effective appeal remedy before the District Collector against the impugned order, it would not be appropriate to entertain the present writ petitions. 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.



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7. In the light of the above observation, the petitioners are granted liberty to file appeals 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 1 to 3 shall not take any coercive action to disturb the petitioners' possession over the subject lands.

8. Accordingly, the Writ Petitions stand 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.)
21.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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Note : Issue order copy on 22.01.2025.

To

1. The District Collector,
Office of the District Collector,
Dindigul, Dindigul District.

2. The Tahsildar,
Office of the Thasildar,
Vedasandur Taluk,
Dindigul District.



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3. The Block Development Officer,
Office of the Block Development Officer,
Vedasandur Taluk,
Dindigul District.



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

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COMMON ORDER MADE IN
W.P(MD)Nos.1692 to 1694 of 2025
DATED : 21.01.2025