



W.P(MD) No.13859 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P(MD) No.13859 of 2020

and

W.M.P.(MD)Nos.11503, 11505 & 11507 of 2020

A.Vijayan

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Dindigul District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani Revenue Division,
Palani,
Dindigul District.
- 3.The Tahsildar,
Palani Taluk Office,
Dindigul District.
- 4.The Revenue Inspector,
Palani Taluk Office,
Palani Taluk,
Dindigul District.



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5.The Joint Commissioner / Executive Officer,
Arulmighu Dhandayuthapaniswamy Thirukovil,
Palani Town,
Dindigul District.

6.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Nungambakkam High Road,
Chennai 600 034.
(R6 is suo motu impleaded vide order dated
05.10.2020 in W.P.(MD)No.13859 of 2020
by NKKJ & BPJ)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the fourth respondent dated 17.09.2020 and quash the same as illegal and unconstitutional and consequently forbearing the respondents from dispossessing the petitioner from the shop comprised in T.S.No.864/2 of an extent of 3488 sq feet, S.No.864/3 of an extent of 963 sq feet, S.No. 864/4 of an extent of 5995 sq feet at Palani Town, Palani Taluk, Dindigul District without following due process of law.

For Petitioner : Mr.G.Sridharan
for Mr.C.Gangai Amaran
For Respondent : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 to R4



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: Mr.R.Bharanidharan
for Mr.R.Murali
for R5

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. What is under challenge is a mere notice under Section 7 of the Land Encroachment Act, 1905.

3. The learned counsel for the petitioner states that the petitioner's civil rights have already been declared in his favour in a civil suit.

4. We are of the view that the merits of the matter need not be gone into at this stage. The Hon'ble Supreme Court has repeatedly cautioned that the High Court cannot entertain the writ petition at the notice stage. The petitioner can very well place all his contentions before the authority concerned. The authority would be obliged to conduct enquiry and then pass a final order under Section 6 of the Land Encroachment Act. The petitioner has an appeal remedy under Section 10 of the Act. Therefore, in the event of the adverse order being passed against the petitioner, it will not be enforced for a period of eight weeks so that the petitioner can exhaust other remedies.

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5. The petitioner's counsel further states that the civil suits (O.S.Nos.245 & 246 of 2024) on the file of the Principal District Court, Dindigul have already been filed in this regard. The petitioner has sought the relief of declaration and injunction in respect of the suit property.

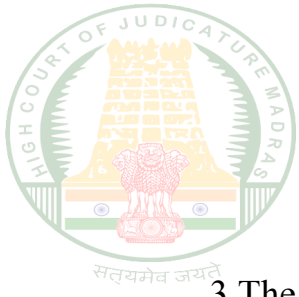
6. The Writ Petition is disposed of with the aforesaid observations and directions. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (M.J.R., J.)
04.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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3.The Tahsildar,
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