



W.P(MD)Nos.24205 & 24206 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM :

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

**W.P(MD)Nos.24205 and 24206 of 2024
and
WMP(MD)Nos.20469 and 20579 of 2024**

R.USHAN ... PETITIONER IN W.P(MD)No.24205/24
V.KARUPPAIYA ... PETITIONER IN W.P(MD)No.24206/24

vs.

1 THE DISTRICT COLLECTOR,
ARANTHANGI,
PUDUKKOTTAI DISTRICT.

2 THE REVENUE DIVISIONAL OFFICER,
ARANTHANGI,
PUDUKKOTTAI DISTRICT.

3 THE TAHSILDAR,
ARANTHANGI,
PUDUKKOTTAI DISTRICT. ...RESPONDENTS IN BOTH WPS

Prayer in both WPs : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned notice dated 23.08.2024 issued by the 3rd respondent and quash the same.



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For Petitioner : Mr.V.Panneer Selvam

For Respondents: Mr.P.Thilakkumar, Government Pleader

COMMON ORDER

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

Challenging the impugned notices of the third respondent dated 23.08.2024, the petitioners are before this Court.

2. After issuance of notices under Section 7 of the Tamil Nadu Land Encroachment Act, 1905' (hereinafter referred to as 'the Act') dated 21.09.2023, calling for the petitioners' objections, proposed action of removing the encroachments made by the petitioners, the impugned notices under Section 6 of the Act dated 23.08.2024, have been issued.

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

4. In these writ petitions, the petitioners have challenged the eviction notice issued under Section 6 of the Act. When the Act provides



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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 petitions, which challenge 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.

5. 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 shall not take any coercive action to disturb the petitioners' possession over the subject land.

6. 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.)
24.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

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To

1 THE DISTRICT COLLECTOR,
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COMMON ORDER MADE IN
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