

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P.No.19992 of 2015

A. Yuvarani ... Petitioner

Vs

The Tahsildar
Erode Taluk
Erode District. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the entire records relating to the impugned order passed by the respondent in his proceedings No.Nil dated 30/6/2015 and quash the same.

For petitioner ... Mr.C.Prakasam

For respondent ... Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

(Order of the Court was made SATISH K. AGNIHOTRI, J.)

Mr.P.S.Sivashanmugasundaram, Special Government Pleader takes notice on behalf of the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. Assailing the Notice/Order dated 30th June, 2015 issued under Section 6 of the Land Encroachment Act, 1905 (for short "The Act"), the petitioner has come up with this writ petition, on the ground that she is a lawful owner of the property in question.

3. The petitioner, pursuant to the notice dated 15th June, 2015 issued under Section 7 of the Act, has filed a detailed explanation, which was not properly considered before the impugned notice/order was passed. It is pertinent to state that the copy of the reply/explanation to the afore-stated notice is not enclosed with the instant petition.

4. Be that as it may, notice/order passed under Section 6 of the Act is an appealable one under Section 10 of the Act. The petitioner can also make an explanation for interim relief under Section 10-B of the Act. In view of the fact that there is a clear statutory appellate provision, there is no reason to entertain this petition in exercise of writ jurisdiction.

5. Accordingly, this writ petition is dismissed, reserving liberty to the petitioner to take recourse to the statutory appellate jurisdiction as available and provided under the provisions of law. In that event, status-quo in respect of the property in question, as obtained today, shall be maintained for a period of two weeks from today. No costs. Connected M.P.No.1 of 2015 is closed.

Sd/-
Deputy Registrar

True Copy

Sub Assistant Registrar

To

The Tahsildar
Erode Taluk
Erode District.

+1 cc to Government Pleader, SR.33963.

Skv(co)
krd 15/7

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