

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. Nos. 31049 to 31051 of 2015

Nallathambi Petitioner
(In WP No.31049 of 2015)

Ponnusamy Petitioner
(In WP No.31050 of 2015)

Nallathambi Petitioner
(In WP No.31051 of 2015)

vs.

1. The Tahsildar,
Aalaththur,
Aalaththur Taluk,
Perambalur District.

2. The Revenue Inspector,
Kolakanatham,
Aalaththur Taluk,
Perambalur District.

Respondents
(In W.P.Nos. 31049 to
31051 of 2015)

Common Prayer in W.P.31049 to 31051/2015: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records pertaining to issuance of the impugned order dated 14.09.2015 passed by the first respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Chennai Act III of 1905) and quash the same.

For petitioner/s

Mr.E.P.Senniyangiri

For respondents

Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents. With consent, the writ petitions are taken up for final disposal, at the admission stage itself.

2 Impugning the notice dated 14.09.2015 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), whereunder, the petitioners were informed that they are liable to be assessed for payment of tax under Section 3 of the Act as they have enjoyed the property unauthorisedly and they were also called upon to vacate the land and the premises in question, the instant writ petitions are filed.

3 Admittedly, before issuance of the impugned notice, the petitioners were served with a show cause notice dated 07.07.2015, to which, it appears that they have made individual representations on 06.08.2015.

4 Be that as it may, the decision/ order/ notice made under Section 6 of the Act is appealable before the District Collector under Section 10 of the Act. There is no reason or extra ordinary circumstances warranting invocation of jurisdiction of this Court under Article 226 of the Constitution of India, at this stage, ignoring the statutory appellate jurisdiction, which is efficacious, expeditious and proper. Thus, we are not inclined to entertain these writ petitions.

5 Accordingly, these writ petitions are dismissed. However, liberty is reserved to the petitioners to take recourse to the statutory appellate jurisdiction, if so advised, under the provisions of law, within a period of two weeks from today. It is made clear that for a period of two weeks from today, i.e., 01 October, 2015, status quo as obtained today, in respect of the properties in question, shall be maintained by both the parties. No costs. Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ra

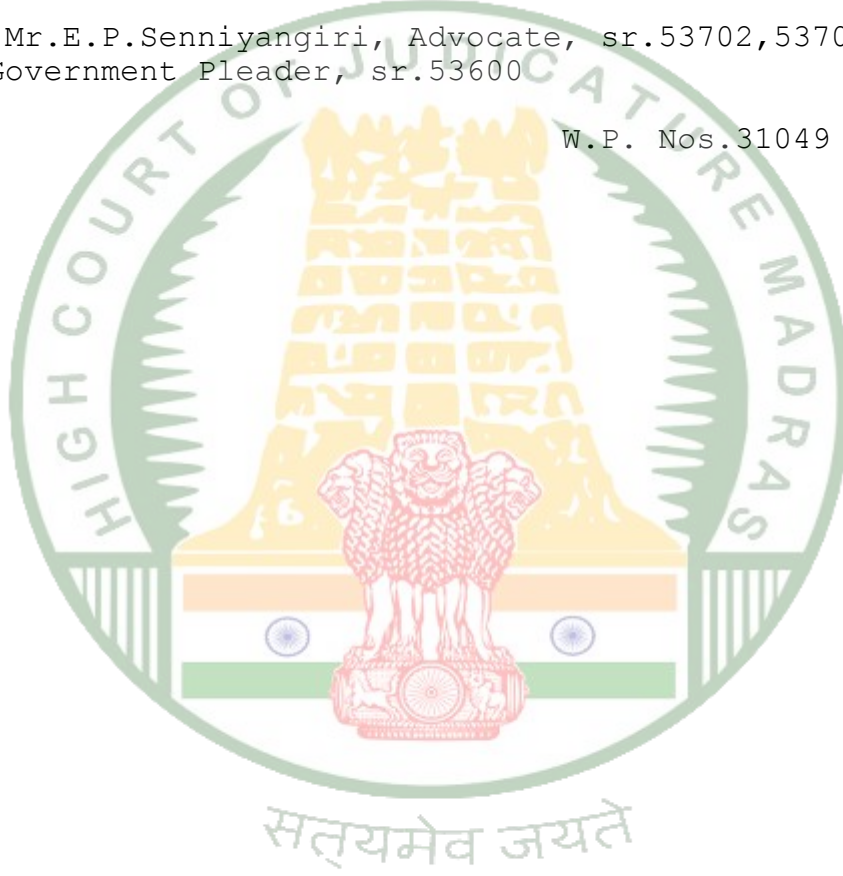
To

1. The Tahsildar,
Aalaththur,
Aalaththur Taluk,
Perambalur District.
2. The Revenue Inspector,
Kolakanatham,
Aalaththur Taluk,
Perambalur District.

+3 ccs to Mr.E.P.Senniyangiri, Advocate, sr.53702,53703,53704
+1 cc to Government Pleader, sr.53600

W.P. Nos.31049 to 31051 of 2015

svi co
kra 08/10



WEB COPY