

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM:

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

W.P. Nos. 32916 to 32923 of 2015

S. Panner Selvam ...Petitioner in WP.32916/15
C. Jayalakshmi ...Petitioner in WP.32917/15
R. Narasimman ...Petitioner in WP.32918/15
D. Poongodi ...Petitioner in WP.32919/15
D. Subramaniyan ...Petitioner in WP.32920/15
R. Brindha ...Petitioner in WP.32921/15
T.R. Sridharan ...Petitioner in WP.32922/15
C. Bharatraj ...Petitioner in WP.32923/15

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Executive Officer,
Thirukoilur Town Panchayat,
Thirukoilur, Villupuram District. ... Respondents
in all WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the second respondent as made in Na.Ka.No.A1/231/2013, dated 25.09.2015 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same.

For Petitioners : Mr. R. Bharanidharan

For Respondents : Mr. P.S.Sivashanmugasundaram
Special Government Pleader-R1

Mr. P. Sanjay Gandhi
Additional Government Pleader-R2

COMMON ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the first respondent. Mr. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for the second respondent. With consent, the writ petitions are taken up for final disposal, at the admission stage itself.

2. Impugning the notices dated 25.09.2015 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 petitions are filed.

3. Admittedly, before issuance of the impugned notice, the petitioners were served with a show cause notice dated 22.07.2015, to which, it appears that they have made individual representations on various dates in August, 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., 15 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/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ra

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Executive Officer,
Thirukoilur Town Panchayat,
Thirukoilur, Villupuram District.

+lcc to Mr.R.Karthikeyan, Advocate, S.R.No.56745

+lcc to the Government Pleader, S.R.No.57757

W.P. Nos.32916 to 32923 of 2015

CA(CO)
CA(03/11/2015)

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