

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM:

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

W.P. No. 33696 of 2015
and
M.P.No. 1 of 2015

.....

The Management of
Sri Angalamman Temple,
rep. By its President,
Trustee Committee,
Ranganathapuram,
Vadavetti,
Gingee Taluk,
Villupuram.

..... Petitioner

vs.

- 1 The District Collector
Villupuram District, Villupuram.
- 2 The Tahsildar
Gingee Taluk, Villupuram District.
- 3 The Revenue Inspector
Sathampadi, Gingee Taluk,
Villupuram District.

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records relating to the order dated 12.10.2015 regarding Survey No.37/1

and 39/3 of Vadavetti Village, Gingee Taluk, Villupuram District on the file of the 2nd respondent herein and quash the same.

For petitioner : Mr. C. Munusamy
For respondents : Mr. N. Sakthivel
Govt. Advocate

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents. With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal, at the admission stage itself.

2. Impugning the notice dated 12.10.2015 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), the petitioner has come up with the instant writ petition.

3. The main plank of contention of the learned counsel for the petitioner is that the impugned notice has been issued without application of mind and also without affording an opportunity of hearing to the petitioner.

4. Be that as it may, the impugned notice is appealable before the District Collector under Section 10 of the Act, wherein, there is a provision for grant of interim relief on application, also. There is no reason or extraordinary circumstances exist warranting invocation of jurisdiction of this Court under Article 226 of the Constitution of India, at this stage, sidestepping the statutory appellate jurisdiction, which is efficacious, expeditious and proper. Thus, we are not inclined to entertain this writ petition.

5. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to raise all the issues as pleaded here viz., violation of principles of natural justice, lack of

authority and also non application of mind, before the appellate authority, if so advised, in accordance with law, within a period of two weeks from today. It is made clear that for a period of two weeks from today, i.e., 26 October, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

True Copy

Sub Assistant Registrar

To

- 1 The District Collector
Villupuram District, Villupuram.
- 2 The Tahsildar
Gingee Taluk, Villupuram District.
- 3 The Revenue Inspector
Sathampadi, Gingee Taluk,
Villupuram District.

+1cc to The Government Pleader Sr.58035

+1cc to Mr.C.Munusamy, Advocate sr.57838

सत्यमेव जयते

W.P. No.33696 of 2015

ad[co]
srg 5/11/2015

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