

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2015

CORAM:

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

W.P. No. 33921 of 2015
and
M.P.Nos. 1 & 2 of 2015

1. Palaniammal
2. Chellammal
3. Bavayee
4. Valliammal
5. Singari
6. Valliammal
7. Muthammal

.. Petitioners

vs.

- 1 The District Collector
Collectorate, Erode.
- 2 The District Revenue Officer,
Collectorate , Erode.
- 3 The Revenue Divisional Officer
office of The Revenue Divisional Office,
Erode.
- 4 The Special Tahsildar
Adi Dravidar and Scheduled Tribes Welfare
Erode.
- 5 The Tahsildar
Taluk Office,
Anthiyur Taluk.
- 6 The Revenue Inspector,
Revenue Inspector Office,
Athani

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7 The Village Administrative
Officer, Kuppandampalayam Village,
Kuppandampalayam Post , Athani via
Anthiyur Taluk,
Erode District - 638 502.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified mandamus calling for the records of the 5th respondents notice dated 7.10.2015 and quash the same and consequently direct the first respondent to consider the petitioner's representation dated 28.9.2015.

For petitioners : Mr. K. Paramasivam

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.

2. Impugning the notice dated 07.10.2015 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., 27 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 petitions are closed.
ra

Sd/-

Assistant Registrar (T&P)

/ True Copy /

Sub-Assistant Registrar

To

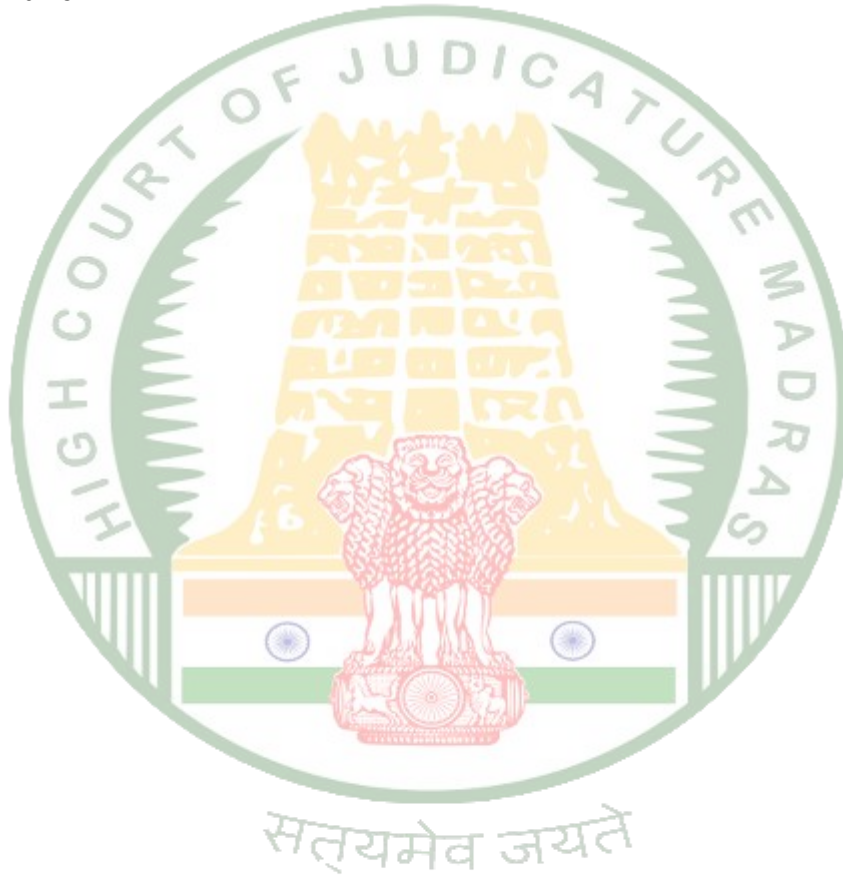
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+1 C.C. TO MR.K.Paramasivam, Advocate in Sr.Nno.58224

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JSV(CO)
sd : 28/10/2015



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