

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 25.05.2016

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.18378 of 2016 and
W.P.M.P.Nos.16079 and 16080 of 2016

C.D.Varadarajan

.. Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Tahsildar,
Salem West Taluk, Salem District.

3.The Revenue Inspector,
Sooramangalam Sub Taluk,
Salem West Taluk, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari to call for the records relating to the proceedings of the 2nd respondent dated 21.05.2016 and to quash the same.

For Petitioners : Mr.M.Devaraj

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN.J)

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner would state that he was granted Inam Patta by Inamdhar Syed Ushman Badsha in respect of the land admeasuring 7.33.0 Hectares in New Survey No.161/1, Old Survey No.50, Jagir Ammapalayam, Salem Taluk and District. The 3rd respondent, though issued notices under Sections 7 & 6 of the Tamil Nadu Land Encroachment Act and Tamil Nadu Act III of 1905, have not been properly following the proceedings and making previous attempts to dispossess the petitioner from the

land in question and hence, the petitioner has come forward to file this petition.

3.Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice on behalf of the respondents would submit that since the petitioner is having an effective alternate remedy under Section 10 of the Act, he cannot bypass the law and invoke the jurisdiction by filing this Writ Petition and prays for dismissal of the Writ Petition.

4. This Court has carefully considered the rival submissions.

5. As rightly pointed out by the learned Special Government Pleader, the petitioner is having effective alternate remedy in the form of an appeal before the first respondent-District Collector, under Section 10 of the Land Encroachment Act and in the light of the said remedy this Court is of the view that the Writ Petition is not maintainable. However, this Court, taking into consideration the apprehension expressed by the petitioner that he is to be dispossessed, is of the view that the petitioner is at liberty to file an appeal, challenging the illegality of the impugned notice dated 21.05.2016 to the District Collector of Salem District namely the first respondent and till then further proceedings have to be deferred.

6. In the result, the Writ Petition is disposed of and the petitioner is at liberty to file an appeal against the impugned notice dated 21.05.2016, before the first respondent on or before 21.06.2016. If the papers are otherwise in order, the first respondent shall entertain the said appeal and dispose of the same as expeditiously as possible. The second and third respondent shall defer further proceedings in terms of the impugned notice dated 21.05.2016, till 21.06.2016. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar/VO

//True Copy//

Sub Assistant Registrar

va/ds

To

1.The District Collector,
Salem District, Salem.

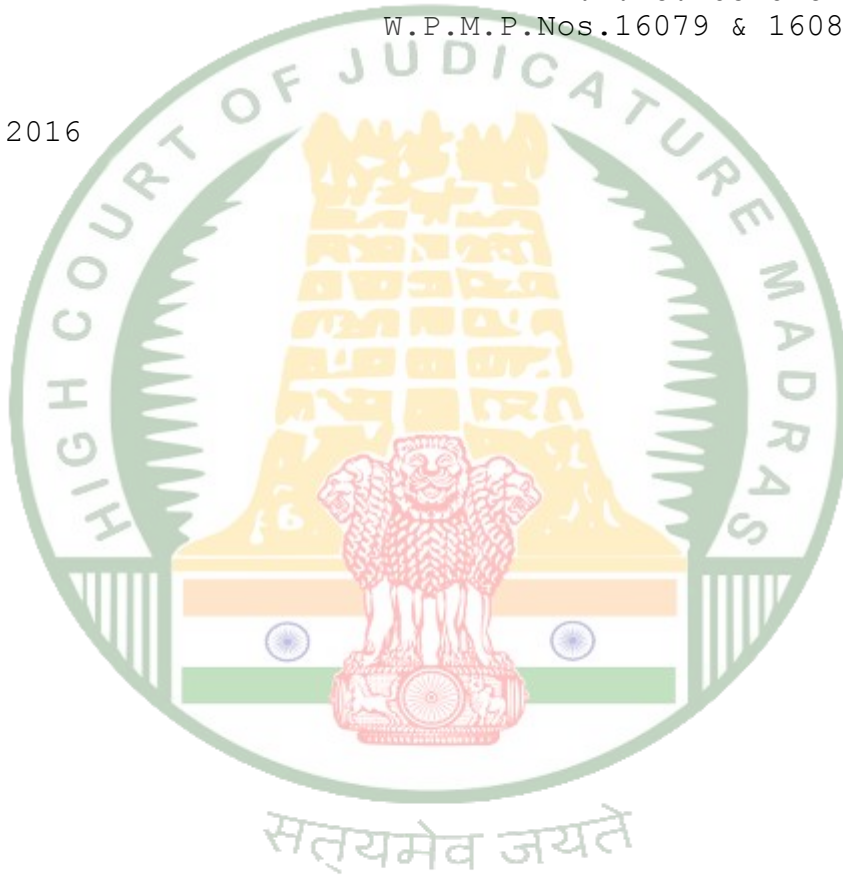
2.The Tahsildar,
Salem West Taluk, Salem District.

3.The Revenue Inspector,
Sooramangalam Sub Taluk,
Salem West Taluk, Salem District.

1 cc to The Government Pleader, sr.28935
1 cc to Mr.M.Devaraj, Advocate, sr.28716

W.P.No.18378 of 2016 and
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jsv co
kra 01.06.2016



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