

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.32296 of 2016
and
W.M.P.Nos.28039 and 28040 of 2016

Kalaivani

Petitioner

Versus

- 1 The District Collector
Salem District Salem
- 2 The Thasildar
Taluk Office Mettur Taluk
Salem District
- 3 The Revenue Inspector
Mettur Mettur Taluk Salem District

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the respondent pertaining to his proceedings dated 6.9.2016 and quash the same.

For petitioner : Mr.G.Arul Murugan
For Respondents : Mrs.Vasudha Thiagarajan, AGP

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner and Mrs.Vasudha Thiagarajan, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2. The writ petition has been filed seeking issuance of a writ of certiorari calling for the records of the respondent pertaining to his proceedings dated 6.9.2016 and quash the same.

3. The case of the petitioner is that she is the absolute owner of the land in question and she had constructed a house and has been residing there for a long time and now she is facing the proceedings at the hands of the respondent under the

Tamil Nadu Land Encroachment Act, 1905.

4. The grievance of the petitioner is that the order passed by the Revenue Inspector is without any authority of law as he has no jurisdiction to pass such order and sought to contend that there is an illegality in the order passed by the third respondent.

5. Be that as it may, it appears that the impugned order is an appealable order under section 10A of the Tamil Nadu Land Encroachment Act. Therefore, it is for the petitioner to present the appeal before the District Collector within one month from today and if so filed, the District Collector concerned shall pass orders on the appeal, on merits and in accordance with law within a period of two months thereafter. Till then no coercive steps shall be taken. Accordingly, the writ petition is disposed of. No costs. The connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The District Collector
Salem District Salem
 - 2 The Thasildar
Taluk Office Mettur Taluk
Salem District
 - 3 The Revenue Inspector
Mettur Mettur Taluk Salem District
- + 1 cc to Mr.G.ArulMurugan Advocate sr 52848
- + 1 cc to Govt.Pleader, High Court, Madras SR52805

W.P.No.32296 of 2016

aa20/10/2016