

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. Nos.4724 to 4728 of 2016
and
W.M.P. Nos.4108 to 4112 of 2016

Velumani ...Petitioner in WP.4724 of 2016
R. Shanmugam ...Petitioner in WP.4725 of 2016
Chinnaponnu ...Petitioner in WP.4726 of 2016
Maheswari @ Saraswathi ...Petitioner in WP.4727 of 2016
N. Arunachalam ...Petitioner in WP.4728 of 2016

Vs.

The Assistant Engineer
Water Resources Department
Irrigation Section
Modakurichi
Erode District

...Respondent in all the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking writs of certiorari calling for the entire records relating to the impugned notices dated 02 February 2016 issued by the respondent and quash the same.

For petitioner
in all the WPs : Mr. C. Prakasam

For respondent : Mr. P.S. Sivashanmugasundaram
in all the WPs Special Government Pleader

COMMON ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondent.

2. These writ petitions are filed calling in question, the legality and validity of the notices dated 02 February 2016 issued by the respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity "the Act").

3. From a perusal of the materials available on record, it is eloquent that before issuance of the impugned notices under Section 6 of the Act, the petitioners were afforded an opportunity of hearing by issuance of show cause notices dated 28 January 2016 under Section 7, *ibid*.

4. Concededly, against the impugned notices issued under Section 6 of the Act, there is an appeal remedy available to the petitioners before the District Collector under the provisions of Section 10 of the Act. Along with the appeal, the petitioners are entitled to seek interim relief as well, under the provisions of Section 10-B of the Act.

5. Inasmuch as the petitioners have invoked the jurisdiction of this Court under Article 226 of the Constitution of India without taking recourse to the effective statutory remedy of appeal as aforesated, we are of the firm view that no extraordinary circumstance exists warranting interference of this Court under writ jurisdiction.

Accordingly, these writ petitions stand dismissed. However, the petitioners are at liberty to pursue their appeal remedy, as aforesated, if so advised. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

To

The Assistant Engineer
Water Resources Department
Irrigation Section
Modakurichi, Erode District

+lcc to Mr.C. Prakasam, Advocate, S.R.No.8692
+lcc to the Government Pleader, S.R.No.8866

W.P. Nos.4724 to 4728 of 2016

RSK(CO)
CA(19/02/2016)