



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO**and****THE HONOURABLE MR.JUSTICE S.S.SUNDAR**Writ Petition (MD) No.15103 of 2016 &
W.M.P (MD) No.11138 of 2016

- 1.Seethaiammal
- 2.Madhavan
- 3.Dhanasekaran

... Petitioners

-Vs- .

- 1.State of Tamil Nadu,
Represented by
The District Collector,
Madurai District.
- 2.The District Revenue Officer,
Office of the Collector,
Madurai District.
- 3.The Revenue Divisional Officer,
Melur, Madurai District.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.

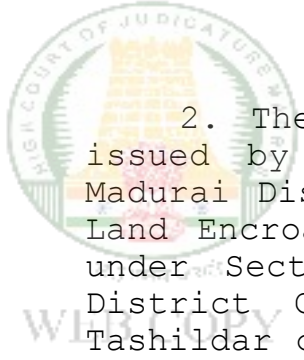
... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the fourth respondent relating to the notice dated 05.08.2016 issued by the fourth respondent and quash the same and direct the respondents to grant patta to the petitioners to one cent of land in Rs.No.756/1, Alagapuri, Kidaripatti Village, Melur Taluk, Madurai District and pass further orders as this Court may deem fit and proper.

For Petitioner : Mr.S.Titus
For Respondents : Mr.A.K.Baskara Pandian,
Spl.Govt.Pleader.

ORDER**(Order of the Court was delivered by NOOTY.RAMAMOHANA RAO,J)**

This writ petition has been instituted by three individuals belonging to the same family.



2. They challenge the correctness and validity of the notice issued by the fourth respondent namely Tahsildar, Melur Taluk, Madurai District, on 05.08.2016, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. At the very outset, we notice that under Section 10 of the said Act, an appeal would lie to the District Collector from any decision or order passed by the Tahsildar or the Deputy Tahsildar under the Act, and hence there is an effective alternative remedy available to the petitioners.

3. Though availability of the alternative remedy is not considered to be an absolute bar of the jurisdiction of the High Court under Article 226 of the Constitution of India, rule of prudence evolved over a long period of time indicates that availing effective alternative and efficacious remedies would help in settling controversial facts, so that judicial review in such matters can be exercised more effectively by the High Court under Article 226 of the Constitution of India. Hence, we dismiss the writ petition, leaving it open to the petitioner to avail the remedy available to them under Section 10 of the Land Encroachment Act. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

TO

- 1.The District Collector,
State of Tamil Nadu,
Madurai District.
- 2.The District Revenue Officer,
Office of the Collector,
Madurai District.
- 3.The Revenue Divisional Officer,
Melur, Madurai District.
- 4.The Tahsildar,
Melur Taluk,
Madurai District.

+ 1 CC TO MR.S.TITUS, ADVOCATE IN SR No. 45769
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45359

GSR
TE/KP : 01/09/2016 : 2P/7C