



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.MANIKUMAR**  
**and**  
**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P.(MD).No.6190 of 2016 &  
W.M.P.(MD).No.5472 of 2016

M.Subramanian

... Petitioner

versus

1. The District Collector,  
Dindigul District,  
Dindigul.
2. The Thasildar,  
Ottanchathiram Taluk,  
Dindigul District.
3. The Revenue Inspector,  
Chinnakampatti,  
Ottanchathiram,  
Dindigul 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 2<sup>nd</sup> respondent in pursuance of the impugned order, dated 19.03.2016 issued under Section 6 of Tamil Nadu Land Encroachment Act, quash the same.

For Petitioner : Mr.N.Shanmugaselvam

For Respondents : Mr.M.Alagadevan

Special Government Pleader

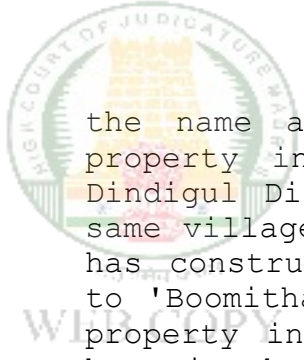
**ORDER****(Order of the Court was made by R.MAHADEVAN ,J.)**

This writ petition has been filed seeking a writ of Certiorari to quash the impugned order passed by the second respondent, dated 19.03.2016, issued under Section 6 of Tamil Nadu Land Encroachment Act (in short 'the Act').

2. Heard the learned Counsel for the petitioner. Mr.M.Alagadevan, learned Special Government Pleader takes notice for the respondents.

3. By consent, the main writ petition itself is taken up for final disposal.  
<https://hcservices.courts.gov.in/hcservices/>

4. The case of the petitioner is that he is running a quarry unit in



the name and style of "Sri Saravana Blue Metals". He purchased the property in S.No.234/2B at Kuthiluppai Village, Ottanchathiram Taluk, Dindigul District. He also purchased the property in S.No.234/2A in the same village. In order to provide residential quarters to the workers, he has constructed the residential quarters in S.F.No.240/1, which belongs to 'Boomithan Board'. The contention of the petitioner is that since the property in S.F.No.240/1 is situated very adjacent to his property, he has mistakenly put up constructions. Hence, the second respondent issued notices to the petitioner on 19.01.2016 and 23.02.2016, under Section 7 of the Act. Therefore, the petitioner made representations to the respondents stating that he is ready and willing to hand over his properties situated adjacent to which, he has constructed residential quarters, instead of eviction proceedings. Therefore, the impugned order came to be passed under Section 6 of the Act. Challenging the same, the petitioner is before this Court.

5. The learned Counsel for the petitioner submitted that the petitioner has also filed his objections on 01.03.2016 for the notice issued under Section 7 of the Act and the same has not been considered by the second respondent, while passing the impugned order. He further submitted that there are procedural irregularities in passing the impugned order and hence, he prayed for quashing the same.

6. We have considered the submissions made by the learned Counsel for the petitioner and perused the materials available on record.

7. First of all, we find that the order impugned herein is an appealable order under Section 10 of the Act and therefore, the petitioner has an effective alternative remedy and without exhausting the same, the petitioner has rushed to this Court with the present writ petition.

8. We, therefore, find that it is for the petitioner to move before the appellate authority, namely, the District Collector, under Section 10 of the Act and hence, this writ petition lacks merit.

9. Accordingly, this writ petition stands dismissed, giving liberty to the petitioner to file an appeal, along with an interim application seeking the relief of stay, before the District Collector within a period of two weeks from the date of receipt of a copy of this order. On such filing of the appeal, if any, the appellate authority, shall consider the claim of the petitioner on the basis of the relevant materials available on record and thereafter, pass appropriate orders on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, connected Writ Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,  
Dindigul District,  
Dindigul.

2. The Thasildar,  
Ottanchathiram Taluk,  
Dindigul District.

3. The Revenue Inspector,  
Chinnakampatti,  
Ottanchathiram,  
Dindigul District.

+ 1 CC TO M/S.N.SHANMUGA SELVAM, ADVOCATE IN SR NO. 17628/16

JIKR/RSB

TE/SKS-RR/ : 20/04/2016 : 3P/5C

W.P. (MD) .No.6190 of 2016  
and

W.M.P. (MD) .No.5472 of 2016  
30.03.2016