

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5528 of 2017

Palaniammal ... Petitioner

Vs.

1.The District Collector
Cuddalore.

2.The Tahsildhar
Taluk office
Vridachalam
Cuddalore District.

3.The Revenue Inspector..
Taluk Office, Vridhachalam Taluk
Cuddalore District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records of the 3rd respondent's order dated 20.02.2017 and quash the same.

सत्यमेव जयते

For Petitioner : Mr.K.Srinivasan

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader

ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.T.N.Rajagopalan, learned Special Government Pleader takes notice for the respondents.

2. Heard the learned counsel for the parties.

3. The petitioner has filed this writ petition seeking issuance of a writ of Certiorari calling for the records of the 3rd respondent's order dated 20.02.2017 and quash the same.

4. The petitioner claims to be in occupation of the property for more than 30 years. It is pleaded that even though she obtained patta for the natham property, the respondents have served an eviction order dated 20.2.2017 under Section 6 of the TN Land Encroachment Act, 1905. Challenging the said proceedings dated 20.2.2017, the present writ petition is filed.

5. It is not in dispute that against the order impugned in the writ petition there is an appellate remedy available to the petitioner under Section 10 of the Tamil Nadu Land Encroachment, Act, 1905. In such circumstances, it is for the petitioner to approach the appropriate forum so that she will have an opportunity to explain her grievance for its redressal. The petitioner is granted fifteen days time to prefer an appeal. On such appeal being filed, the appellate authority shall consider the same in accordance with law and pass appropriate orders within fifteen days from the date of filing of such appeal. The petitioner is at liberty to raise all the grounds raised in the present writ petition before the appellate authority. Till the disposal of the appeal, no coercive action shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.5875 of 2017 is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

To:

1.The District Collector
Cuddalore.

2.The Tahsildhar
Taluk office
Vridachalam
Cuddalore District.

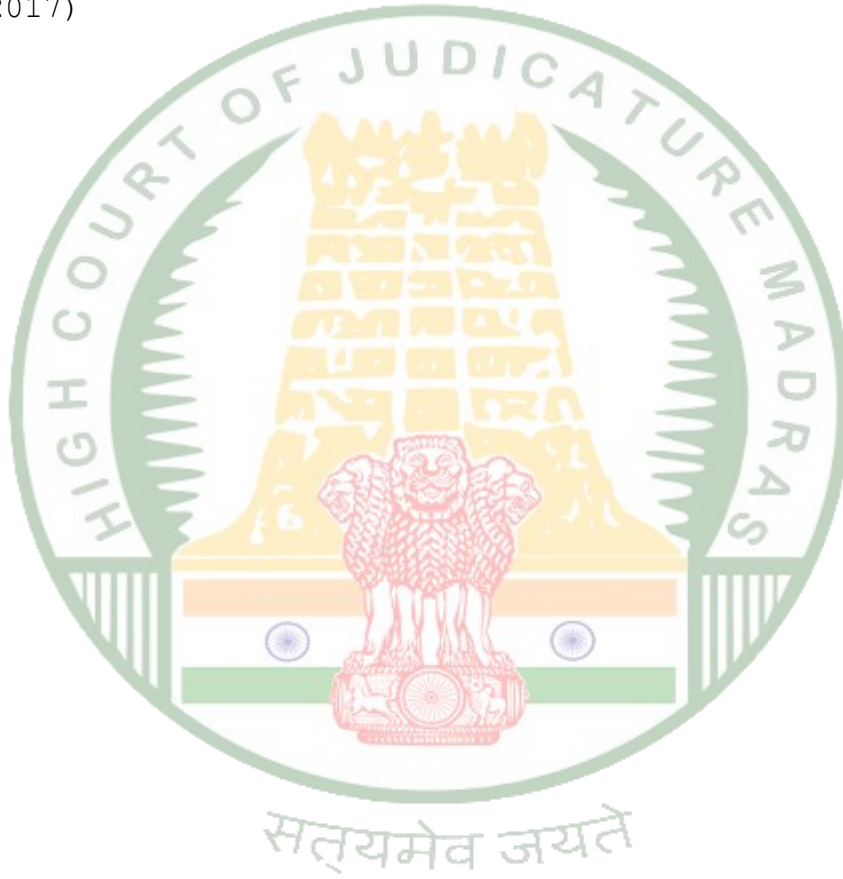
WEB COPY

3.The Revenue Inspector..
Taluk Office, Vridhachalam Taluk
Cuddalore District.

+lcc to M/. K. Srinivasan, Advocate Sr. 14414
+lcc to the Government Pleader Sr. 1471

W.P.No.5528 of 2017

CP(co)
Vr(17/03/2017)



WEB COPY