

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.Nos.2048, 3066 to 3069 and 4622/2017 & WMP.Nos.2035, 2989 to 2992 and 4869/2017 in WP.Nos.2048, 3066 to 3069 and 4622/2017

K.Mummurthi	..	Petitioner in WP.No.2048/2017
K.Sandhira	..	Petitioner in WP.No.3066/2017
M.Ponni	..	Petitioner in WP.No.3067/2017
E.Selvi	..	Petitioner in WP.No.3068/2017
C.Kuppammal	..	Petitioner in WP.No.3069/2017
C.Shanmugam	..	Petitioner in WP.No.4622/2017

Versus

1.The District Collector
Tiruvannamalai District,
Tiruvannamalai.

2.The District Revenue Officer
Tiruvannamalai District
Tiruvannamalai.

3.The Tahsildar
Tahsildar Office
Kilpennathur Taluk,
Tiruvannamalai District.

4.The Village Administrative Officer
Annadampallam Village & Post,
Kilpenathur [TK],
Tiruvannamalai District.

∴ Respondents
in all the Writ Petitions

Common Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records pertaining to the impugned order of the 3rd respondent herein passed in Na.Ka.A1/6043/2016 dated 12.01.2017 [WP.No.2048/2017] 30.01.2017 [WP.Nos.3066 to 3069 and 4622/2017] and quash the same.

For Petitioners in
all WPs : Mr.K.Gangadaran

For R1 to 4 in
all WPs : Mr.A.N.Thambidurai, Spl.GP

COMMON ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal.

2 The petitioner in WP.No.2048/2017 makes a challenge to the Notice issued under section 7 of the Tamil Nadu Land Encroachment Act, 1095 and the petitioners in WP.Nos.3066 to 3069 and 4622/2017 challenge the Notice issued under section 6 of the said Act.

3 After hearing the submissions of the learned counsel for the petitioners and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents, this Court is of the considered view that the petitioners are having effective alternate remedy under section 10 of the Tamil Nadu Land Encroachment Act, 1901, before the Appellate Authority and in the light of the said remedy available, the writ petitions are not maintainable for the present.

4 If the petitioners are so advised, they are at liberty to make a challenge to the impugned section 7 and section 6 Notices issued under the Tamil Nadu Land Encroachment Act, 1920, to the Appellate Authority under section 10 of the said Act, within a period of two weeks from the date of receipt of a copy of this order along with necessary documents and till the filing of appeals, the 3rd respondent shall defer further decision pursuant to the impugned notices dated 12.01.2017 and 30.01.2017

respectively, if not action already taken to remove the encroachment and if the papers are otherwise in order, the Appellate Authority, shall take the appeals on file and pass orders on merits and in accordance with law within a further period of six weeks thereafter and communicate the decision taken, to the petitioners herein. It is also made clear that till the entertainment and disposal of the Appeal petitions, the writ petitioners shall not create any third party rights in respect of the properties / lands in question or alter the physical features of the properties / lands also.

5 The writ petitions stand dismissed subject to the above observation. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

[M.S.N., J.] [N.S.S., J.]
16.08.2017

Internet : Yes / No

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To

- 1.The District Collector
Tiruvannamalai District,
Tiruvannamalai.
- 2.The District Revenue Officer
Tiruvannamalai District
Tiruvannamalai.
- 3.The Tahsildar
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Kilpennathur Taluk,
Tiruvannamalai District.
- 4.The Village Administrative Officer
Annadampallam Village & Post,
Kilpenathur [TK],
Tiruvannamalai District.



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M.SATHYANARAYANAN, J.
AND
N.SESHASAYEE, J.

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WP.Nos.2048, 3066 to 3069 & 4622/2017

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