

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.16234/2017 & WMP.No.17553/2017

M.Mala

... Petitioner

Vs

1. The District Collector  
Tiruvallur District.
2. The Tahsildar  
Ambattur Taluk  
Tiruvallur District.
3. The Revenue Inspector  
Ambattur Village, Ambattur Taluk  
Tiruvallur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus, calling for the records relating to the impugned orders passed by the 1<sup>st</sup> respondent in Na.Ka.No.20877/2015/A1 dated 08.05.2017 and the 2<sup>nd</sup> respondent in Na.Ka.No.3521/2015/C1 dated 06.07.2015 as illegal, one sided, misdirected themselves and arbitrary exercise of power and further direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to give opportunity of notice in accordance with law.

For Petitioner : Mr.R.Venkatesan  
For RR 1 to 3 : Mr.C.Jagadish, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.C.Jagadish, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2           The learned counsel for the petitioner would submit that the petitioner had purchased a thatched shed in the year 1991 and thereafter, subsequently purchased plots located on the rear side bearing Nos.3 and 4, through a registered Sale Deed bearing Document No.9414/2012 from Dilli Babu, son of Balakrishnan and he would further submit that along with the petitioner's property, there are thirty more houses located in survey No.582/2. It is the further submission of the learned counsel for the petitioner that since action is being taken under the provisions of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has filed the statutory appeal before the 1<sup>st</sup> respondent and vide impugned order dated 08.05.2017, the appeal was also dismissed without properly appreciating the factual circumstances and the relevant records and since threat of dispossession is imminent, the petitioner came forward to file the present writ petition.

3           Per contra, Mr.C.Jagadish, learned Special Government Pleader appearing for the respondents would submit that as against the order passed by the 1<sup>st</sup> respondent, the petitioner is having an effective alternate remedy under section 10-A[b] of the Tamil Nadu Land Encroachment Act, 1905, and therefore, prays for dismissal of this writ petition.

4           This Court has considered the rival submissions and also perused the materials placed before it.

5           The petitioner is having an effective alternate remedy under section 10-A of the Tamil Nadu Land Encroachment Act, 1905, and in the light of the said remedy, this Court is of the view that the writ petition is not maintainable and therefore, the petitioner is at liberty to file a revision before the authority constituted under the provisions of section 10-A of the said Act within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, if the papers are otherwise in order, the said authority concerned, shall entertain the said revision and after putting the concerned persons on notice, shall dispose of the same in accordance with law, as expeditiously as possible. The respondents 1 to 3, till the filing of the revision by the petitioner within the time stipulated by this Court as stated above, shall defer further decision in furtherance of the impugned notice.

8                    The writ petition stands dismissed as not maintainable.                    No costs.                    Consequently, the connected miscellaneous petition is also closed.

Sd/-  
Asst.Registrar (CS VIII )

/true copy/

Sub Asst. Registrar

AP

To

1. The District Collector  
Tiruvallur District.
2. The Tahsildar  
Ambattur Taluk  
Tiruvallur District.
3. The Revenue Inspector  
Ambattur Village, Ambattur Taluk  
Tiruvallur District.

+lcc to Mr.R.Venkatesan, Advocate Sr. 46687  
+lcc to the Government Pleader, High Court, Madras  
Sr. 46587

सत्यमेव जयते

WP.No.16234/2017

BR(CO)  
VR(18/07/2017)

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