

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.07.2017

CORAM:

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

W.P.No.18313/2017 and WMP No.19881 & 19882 of 2017

M.Natarajan

.. Petitioner

Vs

1. The District Collector,
Thiruvallur,
Master Plan Complex,
C.V.Naidu Salai,
Thiruvallur Town 602 001.
2. The Revenue Divisional Officer,
Thiruvallur,
RDO's Office Campus,
J.N.Road, Thiruvallur Town 602 001.
3. The Revenue Inspector,
Thiruvallur Taluk,
Taluk Office Campus,
J.N.Road, Thiruvallur Town 602 001.
4. The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
5. Thiruvallur District Congress Committee,
Rep. By its Secretary Mr.C.P.Mohandoss,
No.63, Bajanaikoil Street,
Pungathur, Thiruvallur

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus to call for the entire records pertaining to the Notice in ref. Na.Ka.No.3708/2013/Aa1 dated 04.04.2017 issued in the seal of the 3rd respondent and the Notice dated 19.04.2017 passed by the 3rd respondent and thereby directing respondents 1 to 3 to implement the order passed in 3078/13/A1 dated 25.01.2016 and from disturbing the petitioner

peaceful possession and enjoyment of the property to an extent of measuring acre 0.01 ½ cents in S.No.532/8 at Pungathur Village, Thiruvallur Taluk, Thiruvallur District.

For Petitioner : Mr.K.Mohanamurali

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader
for R1 to R4

ORDER

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

When this case was listed for hearing on 19.07.2017, this Court held that the petitioner is having an effective alternate remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. However, Mr.R.Vijayakumar, learned Additional Government Pleader would submit that the petitioner has already preferred an appeal and therefore, time was granted to ascertain the said fact.

2. Mr.K.Mohana Murali, learned counsel appearing for the petitioner stated that it is merely a notice requesting the respondent to furnish a copy of the order and therefore, the petitioner may raise additional grounds and on receipt of the same, appropriate orders may be passed in accordance with law and till such time, further proceedings in terms of impugned notice under section 7 may be deferred.

3. This Court heard the submissions of learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 4.

4. In the light of the effective alternative remedy available, this Court is of the view that the writ petition is not maintainable for the present. However, the petitioner is at liberty to raise additional grounds in the appeal, within a period of two weeks from the date of receipt of copy of this order and upon receipt of the same, the 1st respondent shall entertain the same and putting the 5th respondent on notice, shall pass orders on merits and in accordance with law within a further period of eight weeks and communicate the decision taken, to the petitioners as well as to the 5th respondent and till such time, shall defer further proceedings in terms of notice issued under Section 7 of the Tamil Nadu Land Encroachments Act, 1905.

5. The writ petition stands dismissed with the above directions/observations. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rka

To

1. The District Collector,
Thiruvallur,
Master Plan Complex,
C.V.Naidu Salai,
Thiruvallur Town 602 001.
2. The Revenue Divisional Officer,
Thiruvallur,
RDO's Office Campus,
J.N.Road, Thiruvallur Town 602 001.
3. The Revenue Inspector,
Thiruvallur Taluk,
Taluk Office Campus,
J.N.Road, Thiruvallur Town 602 001.
4. The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.

+1cc to Mr.K.Mohanamurali, Advocate, S.R.No.50881
+1cc to the Government Pleader, S.R.No.52031

WP.NO.18313/2017

SK(CO)
CS/18/08/17

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