



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4044 of 2014
and
M.P. (MD) .Nos.1,2 & 3 of 2014

A.Sugumar .. Petitioner

Vs.

1.The District Collector,
Thiruchirappalli District.

2.The Revenue Divisional Officer,
Thiruchirappalli District.

3.The Tahsildar,
Taluk Office (West),
Contonment, Thiruchirappalli Distirct.

4.The Village Administrative Officer,
Uyyakondanthirumalai,
Vayaloor Road, Thiruchirappalli District. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 14.02.2014 vide No.Mu.Mu.No.11100/2013 (A1) of the second respondent and quash the same as illegal, unconstitutional, unjust, arbitrary, immoral, inequality and consequently directing the respondents 2 & 3 to restore the petitioner in the original Position in the property of S.F.No:56A/1A1 to an extent of 0.7 cents Ward No-J, Block No.33, Town survey No.1, Natham, Uyyakkondanthirumalai village, Vayaloor main road, Thiruchirappalli District by considering the petitioner's reply dated 16.12.2013.

For petitioner : Mr.Aathimoola Pandian

For Respondents : Mr.M.Govindan
Special Government Pleader

O R D E R

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

The Writ Petitioner challenges the notice dated 14.02.2014 issued by the Tahsildar, Taluk Office (West), Thiruchirappalli District. A mere look at the impugned order would show that it was passed only after duly considering the objections given by the writ petitioner in response to the earlier notice dated 11.12.2013 issued Under Section 7 of Tamil Nadu Land Encroachments Act 1905.

2.The learned counsel appearing for the writ petitioner would contend that the explanation submitted by the writ petitioner was not properly considered. He would also raise jurisdictional issues. But, we are not inclined to hear the writ petition on merits. This is because a statutory appeal is available against the impugned order passed under Section 6 of the said Act. The writ petitioner can very well avail the said alternative remedy instead of invoking the jurisdiction of this Court under Article 226 of the Constitution of the India.

3.We therefore, decline to grant the relief sought for in this Writ Petition. However, we grant three weeks from the date of receipt of a copy of this order to the writ petitioner to file the statutory appeal before the Appellate Authority. If the Appellate Authority, receives such an appeal within the time stipulated herein, the same shall be entertained and disposed on merits without any reference to limitation. The third respondent is restrained from giving effect to the impugned notice in this writ petition till the disposal of the said statutory appeal. In such appeal is not filed within the stipulated period, the direction to keep the order impugned in this Writ Petition in abeyance would lapse automatically.

4.With these directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/Truecopy/

Sub Assistant Registrar

To:

1.The District Collector,
Thiruchirappalli District.

2.The Revenue Divisional Officer,
Thiruchirappalli District.

3.The Tahsildar,
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Contonment,
Thiruchirappalli Distirct.



4.The Village Administrative Officer,
Uyyakondanthirumalai,
Vayaloor Road,
Thiruchirappalli District.

WEB COPY

+1cc to M/S.P.AATHIMOOLA PANDIAN, Advocate SR.No.71254

+1cc to Special Government Pleader, SR.No.71999

SSS

MAS/KP/SAR4:18.08.2017:3P-7C

ORDER MADE IN
W.P. (MD) No.4044 of 2014
and
M.P. (MD) .Nos.1,2 & 3 of 2014
08.08.2017