



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.16153 of 2017
and
W.M.P.(MD).No.12827 of 2017

K.Munichamy

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai East Taluk,
Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent impugned notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 19.08.2017 and quash the same as illegal and directing the respondents not to demolish the petitioner's house bearing Door No.5/104, Gandhi Nagar, Meenakshipuram, Alagarkovil Via, Maangulam, Madurai, situated in Survey No.28/3 measuring approx. 4 cents, Kallandiri Firka of Meenakshipuram 2nd Bit of Madurai East Taluk, Madurai, without disposing the petitioner's appeal dated 04.08.2017 made under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.A.Haja Mohideen

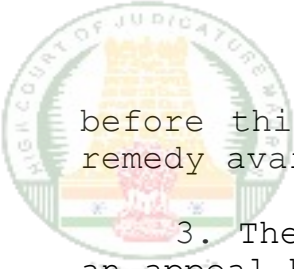
For Respondents : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

This Writ Petition is directed against the order dated 19 August, 2017, directing the petitioner to remove the encroachment, failing which, it was indicated that he would be evicted summarily.

<https://hcservices.courts.gov.in/hcservices> Order was passed by the second respondent invoking Section 6 of the Tamil Nadu Land Encroachment Act, 1905. There is an appellate remedy available to the petitioner. There are no materials



before this Court to permit the petitioner to bypass the statutory remedy available to him.

3. The petitioner is given time till 18 September, 2017 to file an appeal before the appropriate Authority. In case any such appeal is filed along with the application for interim relief, the same shall be considered and disposed of by the competent authority on merits. The *status quo*, as on today, shall be maintained till 18 September, 2017.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai East Taluk,
Madurai.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.75376

KM/SML

JS/GT/SAR.2/04.09.2017/2P-4C

Order made in
W.P. (MD) No.16153 of 2017
Dated:28.08.2017