

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3993 of 2017
and
W.M.P.No.4103 of 2017

M.Veeran

.. Petitioner

Vs.

1. The District Collector,
Erode District, Erode.
 2. Revenue Divisional Officer,
Gobichettipalayam,
Erode District.
 3. The Tahsildar (Revenue),
Anthiyur Taluk,
Erode District.
 4. The Village President,
Nagalur Village Panchayat,
Anthiyur Taluk,
Erode District.
 5. The Revenue Inspector (Land),
Aththani Sub Division,
Aththani,
Gobichettipalayam Taluk,
Erode District.
 6. The Sub-Collector,
Erode District, Erode.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari after calling for the concerned records relating to the order No.Na.Ka.No.26095/2016/U2, dated 22.01.2017 passed by the first respondent and quash the same.

For petitioner : Mr.M.Gnanasekar
For respondents: Mr.A.N.Thambidurai, Spl.G.P.

ORDER

(The Order of the Court was made by S.Vaidyanathan, J)

The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Certiorari after calling for the concerned records relating to the order No.Na.Ka.No.26095/2016/U2, dated 22.01.2017 passed by the first respondent and quash the same.

2. The petitioner was issued with notice dated 29.09.2015 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, in respect of the land in question. Thereafter, he submitted a representation, dated 01.10.2015 to the fifth respondent-Revenue Inspector (Land). Challenging the said notice dated 29.09.2015, the petitioner approached this Court by filing a Writ Petition in W.P.No.33034 of 2015. This Court, by order dated 15.10.2015 in W.P.No.33034 of 2015, directed the authorities to examine the said representation, dated 01.10.2015 and take consequential action expeditiously. Subsequently, the third respondent-Tahsildar has rejected the said representation, by order dated 04.01.2016. Challenging the same, the petitioner filed W.P.No.2888 of 2016. This Court, by order dated 28.01.2016, dismissed the Writ Petition, with liberty to the petitioner to file appeal against the said order dated 04.01.2016. Thereafter, the petitioner filed appeal, which was dismissed by the sixth respondent-Sub Collector, by order dated 20.07.2016, granting liberty to file revision. Thereafter, the petitioner preferred revision to the first respondent-District Collector. By the impugned order dated 22.01.2017, the first respondent-District Collector rejected the revision, against which, the present Writ Petition is filed.

3. It is to be noted that as against the impugned order passed by the District Collector, a revision lies to the Government under Section 10-A of the said Act. Since the petitioner has got an effective alternative remedy before the Government and there is also a provision under Section 10-B of the said Act for granting interim order, without rendering any finding on the merits of the matter and the various pleas raised by the petitioner, this Court holds that it is open for the petitioner to approach the Government by way of revision within two weeks from the date of receipt of a copy of this order, and he shall also file necessary petition for interim order along with the said revision. If such a revision is made, it is open for the Government to consider the same on merits and in accordance with law, and pass appropriate orders

with two weeks thereafter, after hearing the parties concerned, including the complainant, if any.

4. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

CS
To

1. The District Collector,
Erode District, Erode.
2. Revenue Divisional Officer,
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Erode District.
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5. The Revenue Inspector (Land),
Aththani Sub Division,
Aththani, Gobichettipalayam Taluk,
Erode District.
6. The Sub-Collector,
Erode District, Erode.

+ 1 cc to Mr. Government Pleader Sr.15872

W.P.No.3993 of 2017

GMI (CO)
EU(21/03/2018)