

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.33089, 33094, 33096, 33097 and 33100 of 2018
and W.M.P.Nos.38371, 38378, 38379, 38381 and 38384 of 2018
in W.P.Nos.33089, 33090,33096, 33097 & 33100/18 respectively

Kasthuri	.. Petitioner in WP.33089/2018
Sangeetha	.. Petitioner in WP.33094/2018
Ammani	.. Petitioner in WP.33096/2018
Kanaka	.. Petitioner in WP.33097/2018
Lakshmi	.. Petitioner in WP.33100/2018

-vs-

State, rep. by
1.The District Collector,
Dharmapuri District,
Dharmapuri-5.

2.The Tahsildar
Pennagaram Taluk,
Dharmapuri District.

3.The Revenue Inspector,
Pennagaram,
Dharmapuri District.

.. Respondents in all WPs.

Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the second respondent notice dated 07.11.2018 which was pasted on the petitioners' door on 11.11.2018 and quash the same.

For Petitioners : Mr.K.Gandhi Kumar

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Heard the learned counsel for the petitioners and the learned Government Advocate, who takes notice on behalf of the respondents.

2.The petitioners have approached this Court being aggrieved by the notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (The Chennai Act III of 1905).

3.The learned counsel for the petitioners contended that the notice ought to be quashed and set aside, as, before they received the notice under Section 6 of the said Act, they gave a representation stating many particulars including the fact that they are not encroachers. However, all this was not considered and the notice under Section 6 of the said Act was issued.

4.It is an admitted fact that in relation to notice under Section 6 of the said Act, an efficacious alternate remedy of appeal is provided under Section 10 of the said Act and there is also a provision under Section 10-B to prefer an application for stay.

5.As the petitioners have an efficacious alternate remedy, we are not inclined to interfere and the petitioners are relegated to the remedy of preferring an appeal against the notice under Section 6 of the said Act.

In view of the above observation, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Dharmapuri District, Dharmapuri-5.
- 2.The Tahsildar
Pennagaram Taluk, Dharmapuri District.
- 3.The Revenue Inspector,
Pennagaram, Dharmapuri District.

+1cc to the Government Pleader sr.87660
+5cc to Mr.K.Gandhi Kumar, Advocate Sr.87139 to 87143

W.P.Nos.33089, 33094, 33096,
33097 and 33100 of 2018

kan[co]
srg 11/01/2019