



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.02.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.2831 of 2018
and
W.M.P. (MD) .No.3002 of 2018

1.C.Bose
2.C.Pon Raj
3.C.Subbaiah
4.S.Ganesan
5.C.Shanmugaiah

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur Division,
Virudhunagar District.

3.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

4.The Village Administrative Officer,
Nathathupatti Village,
Sattur Taluk,
Virudhunagar District.

5.The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order of the 3rd respondent dated 02.01.2018 and quash the same as illegal.

For Petitioners
For Respondents

: Mr.V.Sasikumar
: Mr.V.R.Shanmuganathan
Spl. Government Pleader



O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.Sasikumar, learned counsel appearing for the petitioners and Mr.V.R.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents.

2.By consent, the writ petition itself is taken up for final disposal, at the stage of admission.

3.The petitioners have challenged the order passed under Section 6 of the Tamil Nadu Encroachment Act, 1905. Admittedly, as against the impugned order, the petitioners have an effective alternative remedy of an appeal before the District Collector, Virudhunagar District. Therefore, without exhausting such remedy, the petitioners cannot straight away come to this Court by way of this writ petition. Therefore, this petition has to be held to be not maintainable.

4.The learned counsel appearing for the petitioners would submit that the petitioners are willing to file an appeal, but in the interregnum, the second respondent should not give effect to the impugned order, otherwise, the appeal remedy itself will become infructuous.

5.Head the learned Special Government Pleader on the above submissions.

6.In the light of the above, this writ petition is held to be not maintainable, as the petitioner has an effective alternative remedy before the District Collector. Accordingly, we dispose of the writ petition by directing the petitioners to file an appeal before the District Collector, Virudhunagar District, within a period of 30 days from the date of receipt of a copy of this order. Till then, status-quo, which is prevailing as on today(13.02.2018), shall be maintained. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)

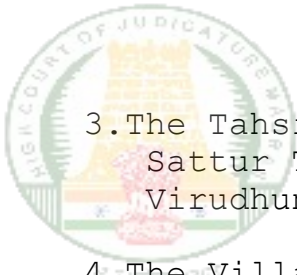
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Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sattur Division,
Virudhunagar District.



3.The Tahsildar,
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5.The Inspector of Police,
Irukkankudi Police Station,
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+1cc to Mr.V.SASIKUMAR,Advocate,SR.47970

W.P. (MD) .No.2831 of 2018
and
W.M.P. (MD) .No.3002 of 2018
13.02.2018

ns/mrn
KK/SV MMS/SAR 1/15.02.2018/ 3P- 7C/