



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.8238 of 2018
and
W.M.P(MD)No.7816 of 2018

P.Muthu

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Engineer,
Public Works Department /
Water Resource Organization,
Parthipanoor Reservoir Section,
Paramakudi, Ramanathapuram.

3.The Tahsildar,
O/o the Tahsildar,
Ilayankudi Main Road,
Paramakudi,
Ramanathapuram District.

... Respondents

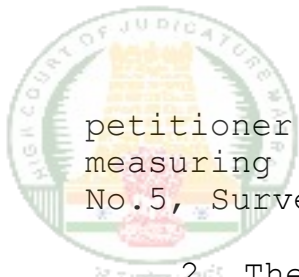
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order in Na.Ka.A3-13669-2017, dated 06.03.2018, passed by the Respondent No.2, consequently directing the Respondent No.1 to consider the petitioner's appeal for issuance of Patta in respect of the property of house with extend about 0.0126.0 Sqr.Mr. in Ward No.B, Block No.5, Survey No.2 in Paramakudi, Ramanathapuram District.

For Petitioner	: Mr.S.M.A.Jinnah
For Respondents	: Mr.M.Jeyakumar, Additional Government Pleader.

ORDER

(Order of the Court was made by M.DURAI SWAMY, J.)

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus, to call for the records of impugned order, dated 06.03.2018, passed by the second respondent and consequently directing the first respondent to consider the



petitioner's appeal for issuance of Patta in respect of the property measuring to an extent of 0.0126.0 Sqr.Mr. in Ward No.B, Block No.5, Survey No.2 in Paramakudi, Ramanathapuram District.

2. The petitioner has challenged the order passed by the second respondent dated 06.03.2018.

3. Mr.M.Jeyakumar, learned Additional Government Pleader, taking notice for the respondents and submitted that the petitioner had also filed an appeal before the Appellate Authority as against the order passed by the second respondent. Therefore, the present Writ Petition filed by the petitioner is not maintainable.

4. The learned Counsel appearing for the petitioner submitted that the petitioner has not filed any stay petition before the Appellate Authority viz., the first respondent so far and liberty may be given to the petitioner to file stay petition under the Land Encroachment Act and a direction may be given to the first respondent to dispose of the stay petition within a time frame, for which, the learned Additional Government Pleader has no objection.

5. In view of the submissions made by the learned Counsel appearing on either side, since the petitioner had opted for an alternate remedy by way of an appeal under Section 10 the Tamil Nadu Land Encroachment Act, we are not inclined to entertain the writ petition. Since the petitioner sought for liberty to move stay petition before the first respondent, we direct the petitioner to file stay petition within a period of three days from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to dispose of the same on merits and in accordance with law within a period of two weeks from the date of presentation of the stay petition. Till the stay petition is disposed of by the first respondent / Appellate Authority, the parties are directed to maintain status quo.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

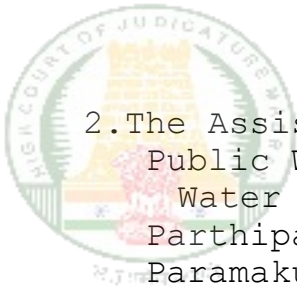
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The Assistant Engineer,
Public Works Department /
Water Resource Organization,
Parthipanoor Reservior Section,
Paramakudi, Ramanathapuram.

WEB COPY

3.The Tahsildar,
O/o the Tahsildar,
Ilayankudi Main Road,
Paramakudi,
Ramanathapuram District.

+1CC to M/s.S.M.A.Jinnah Advocate, SR.No. 61680

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AM/SV MMS/SAR 2/17.04.2018/3P/5C