



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2018

CORAM:

THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE Mrs.JUSTICE T.KRISHNAVALLI

W.P. (MD) No.11777 of 2018

and

W.M.P. (MD) Nos.10690 and 10691 of 2018

Ponnathal

...Petitioner

-Vs-

1. The Block Development Officer,
Marungapuri Taluk,
Trichy District.

2. The Estate Officer / Executive Officer,
Ponnampatti Town Panchayat,
Marungapui, Trichy District.

...Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed in Na.Ka.No.43/2014 dated 28.03.2018 and 14.05.2018 issued by the second respondent and quash the same as illegal and consequently, direct the respondents not to evict the petitioner under unauthorized occupants Act, 1975.

For Petitioner : Mr.A.Vadivel

For R1 : Mr.VR.Shanmuganathan,
Special Government Pleader.

For R2 : Mr.M.Rajarajan,
Government Advocate.

ORDER

(Order of the Court was made by **M.V.MURALIDARAN, J.**)

The petitioner seeks for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders dated 28.03.2018 and 14.05.2018 passed in Na.Ka.No.43/2014 by the second respondent and quash the same as illegal and consequently, direct the respondents not to evict the petitioner under Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975.



2.It is submitted by the learned Government Advocate appearing for the second respondent that earlier, a notice dated 05.06.2014 for eviction, was issued to the petitioner. Challenging the same, the petitioner had filed an appeal in C.M.A.No.7 of 2014 before the learned Principal District Judge, Trichirappalli and after considering her case, the learned Judge has set aside the order and remitted back the matter to the second respondent for fresh consideration. Now, considering the same, the present impugned order has been passed by the second respondent.

3.We have heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the first respondent and the learned Government Advocate appearing for the second respondent.

4.The petitioner had already challenged the earlier eviction notice dated 05.06.2014, by way of filing an appeal before the learned Principal District Judge, Trichy. Therefore, admittedly, the petitioner has an appeal remedy against the impugned order. But, without availing the same, the petitioner cannot directly approach this Court by challenging the very same order, which was passed, based on the order passed in C.M.A.No.7 of 2014, by the learned Principal District Judge, Trichy. Therefore, we are inclined to pass the following order:-

(a) This writ petition is dismissed.

(b) The petitioner is at liberty to file an appeal against the impugned order before the appropriate forum, within a period of two weeks from the date of receipt of a copy of this order.

(c) Till such time, the respondents are directed not to take any coercive action against the petitioner.
No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AD-I)

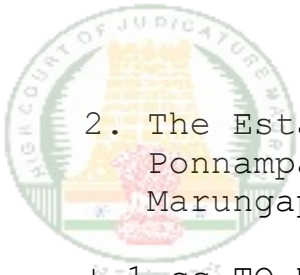
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Sub Assistant Registrar

To

1. The Block Development Officer,
Marungapuri Taluk,

<https://hcservices.ecourt.gov.in/hcservices/> District.



2. The Estate Officer / Executive Officer,
Ponnampatti Town Panchayat,
Marungapui, Trichy District.

+1 cc TO Mr.A.Vadivel , Advocate in SR No. 66484

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Myr/smn

AE/SV MMS/SAR1/06.06.2018/3P/4C

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