

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.A. Nos.183, 184, 186 and 187 of 2019
and C.M.P.Nos.1840, 1871, 1847 and 1872 of 2019

N.Moorthy .. Appellant in WA.183/2019
B.M.Iqbal .. Appellant in WA.184/2019
B.M.Habibullah .. Appellant in WA.186/2019
V.Thomas .. Appellant in WA.187/2019

-vs-

- 1.The District Collector,
Nilgiris District, Collectorate, Nilgiris.
 - 2.Revenue Divisional Officer,
Collectorate, Nilgiris.
 - 3.The Tahsildhar,
Coonoor, Nilgiris.
 - 4.Revenue Inspector,
Coonoor Town, Nilgiris.
- .. Respondents in all
WAs.

Appeals filed under Clause 15 of the Letters Patent against the common order dated 11.01.2019 passed in W.P.Nos.3862, 3863, 3865 and 3861 of 2004 on the file of this Court.

Common Prayer:

Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the 4th respondent pertaining to the notice issue to the petitioner under Section 7 of the Land Encroachment Act, 1905 dated 03.02.2004 and quash the same as totally without jurisdiction.

For Appellants
in all WAs.

: Mr.J.Ravindran

For Respondents
in all WAs.

: Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.)

* * * * *

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief
Justice)

Heard the learned counsel for the appellants and
Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.),
for the respondents.

2.The appellants have preferred these writ appeals being
aggrieved by the order passed in W.P.Nos.3862, 3863, 3865 and
3861 of 2004 dated 11.01.2019. The subject matter of the writ
petitions is with regard to the notice issued under Section 7 of
the Tamil Nadu Land Encroachment Act, 1905. The said notice is
dated 03.02.2004. However, the learned Government Pleader
(i/c.) stated that thereafter, notice has been issued under
Section 6 of the said Act. The said notice is dated 07.02.2019.

3.As against the notice under Section 6 of the Act, there is
an efficacious alternate remedy of preferring an appeal under
Section 10 of the said Act.

4.Learned counsel for the appellants states that the
appellants will prefer the appeal under Section 10 of the said
Act against the notice under Section 6 within a period of one
week and they will also prefer an application for stay in the
said appeal. However, the learned counsel for the appellants
apprehends that if the appellants are not protected, action may
be taken against them under Section 6 of the said Act.

5.In view of the categorical statement made by the learned
counsel for the appellants that appeal and stay application will
be preferred within a week from today, the respondents are
directed to maintain status quo as on today for a period of ten
days from today. The appellate authority is directed to decide
the appeal to be filed by the appellants on merits and in
accordance with law, without being influenced by any of the
observations made in W.P.Nos.3860 to 3865.

The writ appeals are disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Nilgiris District, Collectorate, Nilgiris.

2.Revenue Divisional Officer,
Collectorate, Nilgiris.

3.The Tahsildhar, Coonoor, Nilgiris.

4.Revenue Inspector, Coonoor Town, Nilgiris.

+4cc to Mr.J.Ravindran, Advocate sr.no.18799

+1cc to Government Pleader sr.no.18459

W.A.Nos.183, 184, 186 and
187 of 2019

br(co)
nr 08/03/2019

सत्यमेव जयते

WEB COPY