

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.18159 of 2009

and

M.P.No.1 of 2009

1.M.Raphael
2.M.Ramu
3.G.Sankar
4.A.K.Rajan
5.N.Durai
6.S.Selvam
7.Krishnaveni

... Petitioners

Vs

The Tahsildar,
Mylapore- Triplicane Taluk,
Taluk Office, Greenways Road,
Chennai-28.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent herein, quash the impugned notice under Sec.7 of the Tamilnadu Land Encroachment Act, 1905 dated 06.08.2009 and the Notice under Section 6 of the said Act dated 24.08.2009 issued by the respondent to each of the petitioners herein and consequently forbear the respondent and his delegates from in any manner interfering with the petitioners' respective house-site with houses, in Elango Street, Govindasamy Nagar, Raja Annamalaipuram, Chennai-28.

For Petitioners : Mr.V.Ramana Reddy

For Respondent : Mr.I.Sathish
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the respondent under Section 6 of the Tamilnadu Land Encroachment Act.

2.Mr.V.Ramana Reddy, learned counsel for the petitioner would urge that the land in dispute does not belong to Public Works Department and by G.O.Ms.No.1582, Labour (Housing), the land has been assigned in favour of the Slum Clearance Board. It is also contended that the civil suit filed by the association in O.S.No.4053 of 1994 on the file of the XVI Assistant City Civil Court, Chennai, has been decreed.

3.Per contra, Mr.I.Sathish, Additional Government Pleader stated that under Section 10 of the Land Acquisition Act, the petitioner can prefer an appeal. When an effective alternative remedy is available, the petitioners cannot approach the Court directly invoking Article 226 of the Constitution of India.

4.I find force in the submissions of the learned Additional Government Pleader. It is not disputed that the petitioners are having effective alternative remedy. Without exhausting the same, the present writ petition is filed.

5.Accordingly, this writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pnn

To

The Tahsildar,
Mylapore- Triplicane Taluk,
Taluk Office, Greenways Road,
Chennai-28.

+1 cc to Mr.V.Ramana Reddy, Advocate, S.R.No.61684

+6 cc to Mr.V.Ramana Reddy, Advocate, **S.R.No.61684 (04/10/2019)**

+1 cc to the Government Pleader, S.R.No.62353

W.P.No.18159 of 2009
and

M.P.No.1 of 2009

PM(CO)
SSM(27/08/2019)
SSM(04/10/2019)