

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.5754 of 2019

Lakshmi

.. Petitioner

-vs-

The Block Development Officer,
Kandamangalam Block,
Villupuram District.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to the order of the respondent passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 20.12.2018, quash the same with consequential direction directing the respondent not to dispossess the petitioner from her land in Survey No.8/55 at Vazhuthavur Village, Vikravandi Taluk, Villupuram District admeasuring 00.20 sq. mts, without providing her an opportunity of hearing.

For Petitioner सत्यमेव जयते : Mr.G.Magesh Kumar

For Respondents : Mr.K.Suresh
Government Advocate

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.G.Magesh Kumar, learned counsel for the petitioner and Mr.K.Suresh, learned Government Advocate for the respondent.

2. The petitioner has preferred this writ petition being aggrieved by the notice issued to her under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The said notice is dated 20.12.2018 and it pertains to the petitioner's land in Survey No.8/55 situated at Vazhuthavur Village, Vikravandi Taluk, Villupuram District admeasuring 00.20 square metres. According to the petitioner, the said notice was issued without providing her an opportunity of hearing.

3. As far as notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is concerned, there is an efficacious alternate remedy of preferring an appeal under Section 10 of the said Act.

4. In view of the fact that the petitioner has efficacious alternate remedy against the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, we are not inclined to interfere with the impugned notice dated 20.12.2018 and the petitioner is relegated to the remedy of preferring appeal against the said notice.

5. The learned counsel for the petitioner states that he will prefer appeal as well as stay application in the said appeal by 05.03.2019.

6. In view of the statement made by the learned counsel for the petitioner, the parties are directed to maintain status quo as of today till 05.03.2019.

7. With the above observation and direction, the writ petition is disposed of. No costs. Consequently, W.M.P.No.6570 of 2019 is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

The Block Development Officer,
Kandamangalam Block,
Villupuram District.

+lcc to Mr.G.Magesh Kumar, Advocate sr.no.5754

W.P.No.5754 of 2019

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