

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.P. No.4117 of 2019
and W.M.P.No.4626 of 2019

I.Thulasi bai ... Petitioner

-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

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pertaining to the impugned notice dated 07.02.2019 issued under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 in Rc.(A2) 4466/ 2017 by the 3rd respondent and quash the same.

For Petitioner : Mr.J.Ravindran

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

O R D E R

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

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

2.The petitioner has preferred this writ petition being aggrieved by the notice dated 07.02.2019 issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905. The said notice has been issued by respondent no.3 to the petitioner in relation to S.No.B/59/4, Coonoor Taluk and Town, Nilgiris District.

3.Against the notice under Section 6, which is a final notice, there is an efficacious alternate remedy of preferring an appeal under Section 10 of the said Act.

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

5.In view of the categorical statement made by the learned counsel for the petitioner 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 petitioner on merits and in accordance with law, without being influenced by any of the observations made in this writ petition.

The writ petition is dismissed with the above observations. No costs. Consequently, W.M.P.No.4626 of 2019 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra
To

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

2.Revenue Divisional Officer,
Collectorate, Nilgiris.

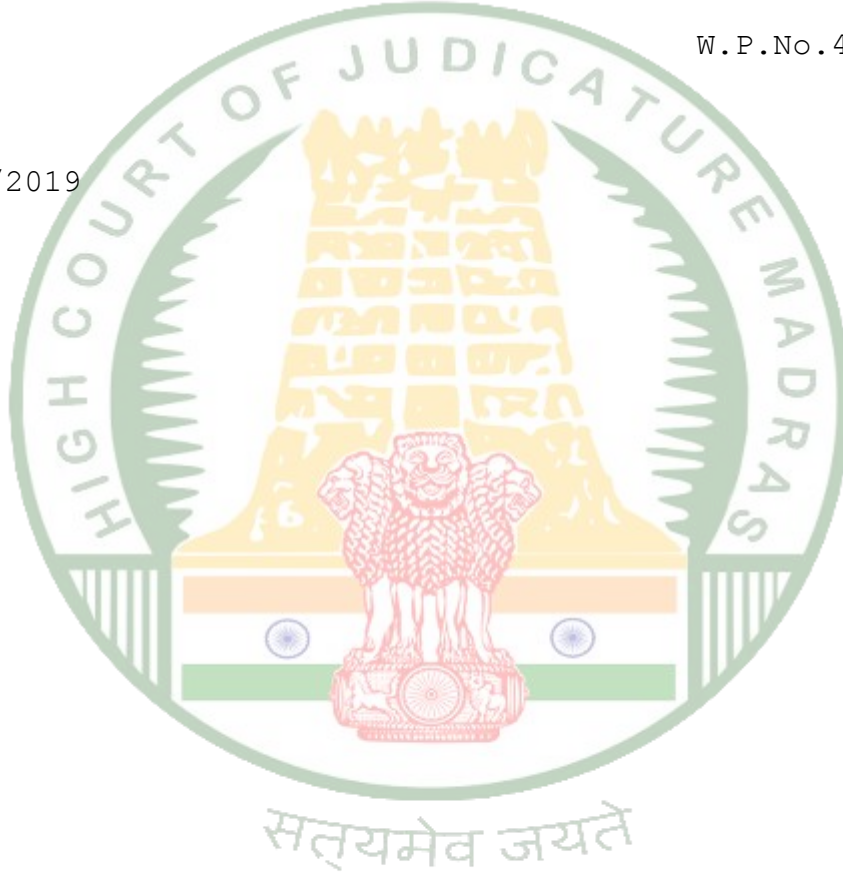
3.The Tahsildhar,
Coonoor, Nilgiris.

4.Revenue Inspector,
Coonoor Town, Nilgiris.

+lcc to Mr.J.Ravindran, Advocate sr.18800
+lcc to the Government Pleader Sr.18460

W.P.No.4117 of 2019

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srg 11/03/2019



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