

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.4404 of 2019

and

W.M.P.No.4964 of 2019

V.S.Ponnusamy

...Petitioner

.Vs.

1 The Collector
Collectorate
Erode, Erode District

2 The District Revenue Officer
Collectorate
Erode, Erode District

3 The Revenue Divisional Officer
Collectorate
Erode, Erode District

4 The Revenue Inspector
Erode North Firca
Bhavani Main Road
Kalingarayapalayam, Erode District

5 The Tahsildar
Taluk Office, Erode - 1

6 V.P.Eswaramurthy

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records in the impugned order dated 11.02.2019 issued under Section 6 of the Land Encroachment Act, 1905 passed by the 5th respondent so far as the petitioner's land is concerned in R.S.No. 124/8 at Nalla Goundenpalayam Village in Erode Taluk and District and quash the same.

For Petitioner : M/s.T.N.Rajagopalan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for R1 to R5

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records in respect of the impugned order dated 11.02.2019 issued under Section 6 of the Land Encroachment Act, 1905 passed by the 5th respondent so far as the petitioner's land is concerned in R.S.No.124/8 at Nalla Goundenpalayam Village in Erode Taluk and District and to quash the same.

2. When the petitioner has got alternate and efficacious remedy of appeal available to him under section 10 of the Tamil Nadu Land Encroachment Act, 1905, the Writ Petition filed by the petitioner challenging the impugned order cannot be entertained.

3. The learned counsel appearing for the petitioner submitted that the petitioner would file an appeal within a period of one week and till such time, an order of status quo may be granted.

4. In view of the submission made by the learned counsel appearing for the petitioner, the Writ Petition challenging the impugned order passed under Section 6 of the Land Encroachment Act, stands dismissed. The petitioner is directed to file the appeal, within a period of one week from the date of receipt of a copy of this order. The respondents are directed to maintain status quo for a period of one week, i.e., till the date of filing of the appeal. No costs. Consequently, the connected Miscellaneous Petition is closed.

Rj

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Collector
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+1cc to Mr.T.N.Raja Gopalan, Advocate, SR.No.32096

W.P. No.4404 of 2019
and
W.M.P.No.4964 of 2019

Kak(09/04/2019)

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