

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.03.2019

CORAM :
The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.8162 of 2019
and
WMP.Nos.8735 and 8736 of 2019

P.Arumugam

.. Petitioner

-vs-

1.The District Collector,
Salem,
Salem District.

2.The Tasildhar,
Mettur Taluk,
Salem District.

3.The Revenue Inspector,
Mettur,
Salem District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records in his proceedings Roc.No.30277/2017/K2 dated 09.11.2018 on the file of the 1st respondent and quash the same and directing the respondents to grant Patta for the petitioner for the property admeasuring 1.65 acres in New TS.No.7/1 Old TS No.7/74 Block No.9, Ward B, Mettur Town, Mettur Taluk, Salem District.

For Petitioner

: Mr.R.Rajarajan

For Respondents

: Mr.S.Kamalesh Kannan
Government Advocate

ORDER

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

Heard Mr.R.Rajarajan, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for the respondents.

2. The case of the petitioner is that he received a notice dated 16.10.2017 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Being aggrieved by the said notice, the petitioner preferred an appeal under Section 10 of the said Act to the District Collector, Salem. The District Collector, Salem, by an order dated 09.11.2018, dismissed the appeal filed by the petitioner, hence, the petitioner has approached this Court.

3. A perusal of Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 shows that remedy of preferring a revision is available against the order passed by the District Collector. In view of the fact that the petitioner has efficacious alternate remedy, we are not inclined to interfere with the impugned order dated 09.11.2018 and the petitioner is relegated to the remedy of preferring a revision. Thereupon, the learned counsel for the petitioner stated that he will prefer a revision within a period of 10 days. The said statement is recorded.

4. In view of the above, the writ petition is dismissed. No costs. Consequently, W.M.P.Nos.8735 and 8736 of 2019 are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

bbr

To

1.The District Collector,
Salem, Salem District.

2.The Tasildhar,
Mettur Taluk, Salem District.

3.The Revenue Inspector,
Mettur, Salem District.

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.29699
+1cc to the Government Pleader, S.R.No.30092

W.P.No.8162 of 2019

SSI (CO)

RRS (24/04/2019)