

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.14229 of 2019

C.M.Palanisamy

.. Petitioner

-vs-

1.The District Collector,
Namakkal District,
District Collectorate, Namakkal.

2.The Revenue Divisional Officer,
Velur Road, Tiruchengode.

3.The Tahsildhar,
Komarapalayam Taluk Office,
Komarapalayam, Namakkal District.

4.The Village Administrative Officer,
Anangur Village, Komarapalayam Taluk,
Namakkal District.

5.The Revenue Inspector,
Pallipalayam, Tiruchengode Taluk,
Namakkal District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the show cause notice dated 26.02.2019 issued by the 3rd respondent herein under Section 6 of the Tamilnadu Land Encroachment Act, 1905, in proceeding No.Na.Ka.210/2019/A2, quash the same and direct the respondents to remove the stone pillars put up in the petitioner's property situated in present S.No.171/2B, Anangur Village, Komarapalayam Taluk, Namakkal District.

For Petitioner : Mr.T.L.Thirumalaisamy
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.) appearing for the respondents.

2.The petitioner is seeking quashing of the notice dated 26.02.2019 issued by respondent no.3, The Tahsildar, Komarapalayam Taluk Office, Komarapalayam, Namakkal District. The said notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 pertains to petitioner's property situated at S.No.171/2B, Anangur Village, Komarapalayam Taluk, Namakkal District.

3.It is the settled provision of law that against notice under Section 6 of the said Act, an appeal can be preferred under Section 10 of the said Act. In view of the fact that there is an efficacious alternate remedy of preferring an appeal against the notice under Section 6 of the said Act, we are not inclined to entertain this writ petition. It would be open to the petitioner to prefer an appeal against the notice under Section 6 of the said Act.

The writ petition is disposed of, with the above observation. No costs. Consequently, W.M.P.Nos.14320 and 14321 of 2019 are closed.

Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Namakkal District,
District Collectorate, Namakkal.

2.The Revenue Divisional Officer,
Velur Road, Tiruchengode.

3.The Tahsildhar,
Komarapalayam Taluk Office,
Komarapalayam, Namakkal District.

4.The Village Administrative Officer,
Anangur Village, Komarapalayam Taluk,
Namakkal District.

5.The Revenue Inspector,
Pallipalayam, Tiruchengode Taluk,
Namakkal District.

+1cc to Mr.T.L.Thirumalaisamy, Advocate SR.No.44961

+1cc to Government Pleader SR.No.45347

W.P.No.14229 of 2019

RV(CO)
GMY(07/06/2019)



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