

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.14652 of 2019  
and W.M.P.Nos.14645 and 14647 of 2019

1.Kantha  
2.Mangai  
3.Thumbakali .. Petitioners

-vs-

1.The Commissioner of Land  
Administration, Office of Commissioner  
of Land Administration, Ezhilagam,  
Chennai.

2.The District Collector,  
Collectorate, Thiruvallur District.

3.The District Revenue Officer,  
Office of the District Revenue Officer,  
Thiruvallur District.

4.The Tahsildar,  
Taluk Office, Thiruvallur Taluk,  
Thiruvallur District.

5.The Tahsildar,  
Taluk Office, Ambattur Taluk,  
Thiruvallur District.

6.Lalitha ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records from the 4th respondent's order Na.Ka.694/2017/A2 dated 06.04.2018 and quash the same and consequently, to direct the 2nd respondent to permit the petitioners to reside in their respective houses situated

at S.F.No.884/8, 884/6, 884/11 at Alathur Village,  
Thiruvallur Taluk, Thiruvallur District.

For Petitioners : Mr.A.Selvaraj

For Respondents : Mr.V.Jayaprakash Narayanan  
Govt. Pleader (i/c.) for RR 1 to 5

\* \* \* \* \*

O R D E R

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

The petitioner has filed the above writ petition to issue writ of certiorarified mandamus to call for the records of the fourth respondent pertaining to the order dated 06.04.2018 and quash the same and consequently, to direct the second respondent to permit the petitioners to reside in their respective houses situated at S.F.Nos.884/8, 884/6, 884/11 situated at Alathur Village, Thiruvallur Taluk, Thiruvallur District.

2.The learned Government Pleader (i/c.), taking notice for respondents 1 to 5, submitted that the petitioners have got a remedy by way of an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and therefore, the writ petition filed by them is not maintainable.

3.Since the petitioners have got a remedy by way of an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and that the writ petition has been filed without exhausting the appeal remedy, we are not inclined to entertain the writ petition.

Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P.Nos.14645 and 14647 of 2019 also stand dismissed. It is open to the petitioners to challenge the impugned order dated 06.04.2018 before the Appellate Authority in accordance with law.

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Sd/-  
Assistant Registrar (CS)  
//True Copy//  
Sub Assistant Registrar

sra

To

- 1.The Commissioner of Land  
Administration, Office of Commissioner  
of Land Administration, Ezhilagam, Chennai.
- 2.The District Collector,  
Collectorate, Thiruvallur District.
- 3.The District Revenue Officer,  
Office of the District Revenue Officer, Thiruvallur  
District.
- 4.The Tahsildar,  
Taluk Office, Thiruvallur Taluk, Thiruvallur District.
- 5.The Tahsildar,  
Taluk Office, Ambattur Taluk, Thiruvallur District.

+1 cc to Government Pleader Sr.No. 44709

W.P.No.14652 of 2019

spd (CO)  
A.SK(28/06/2019)



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