

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.15952 of 2019
and W.M.P.No.15745 of 2019

M.Suresh ... Petitioner

-vs-

1.The District Collector,
Thiruvallur, Thiruvallur District.

2.The District Revenue Officer,
Thiruvallur, Thiruvallur District.

3.The Tahsildar,
Thiruvallur Taluk, Thiruvallur District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the third respondent in Na.Ka.No.45/2017/Aa2, dated 03.05.2019 notice under Section 7 of Tamil Nadu Land Encroachment Act, 1905 and the consequential eviction order in Na.Ka.No.45/2017/Aa2, dated ..05.2019, under Section 6 of Tamil Nadu Land Encroachment Act, 1905, quash the same.

For Petitioner : Mr.Ramesh.M.L.

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

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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.), who takes notice on behalf of the respondents.

2.The case of the petitioner is that he received a notice dated 03.05.2019 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The notice pertains to property bearing No.85, Puliur Village, Thiruvallur Taluk. Thereafter, the petitioner received a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, which is dated 29.05.2019. Being aggrieved thereby, the petitioner has approached this Court.

3.The learned counsel for the petitioner stated that being aggrieved by the notice dated 03.05.2019 issued under Section 6 of the said Act, the petitioner preferred an appeal on 15.05.2019, however, till date the said appeal has not been decided.

4.However, it is an admitted fact that the said appeal has not been preferred against the notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, but it has been preferred against the notice under Section 7 of the said Act. A notice under Section 7 of the said Act is not appealable, however, notice under Section 6 is appealable under Section 10 of the said Act and a stay application under Section 10-B can also be preferred in the appeal in relation to the notice under Section 6 of the said Act. Thus, it is seen that the petitioner has not adopted the efficacious alternate remedy.

5.Hence, we are not inclined to interfere and it would be open to the petitioner to prefer appeal under Section 10 of the said Act as against the notice under Section 6 of the said Act.

With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.15745 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Thiruvallur, Thiruvallur District.

2.The District Revenue Officer,
Thiruvallur, Thiruvallur District.

3.The Tahsildar,
Thiruvallur Taluk, Thiruvallur District.

+1cc to Mr.M.L.Ramesh, Advocate SR.No.46699

+1cc to Government Pleader SR.No.47149

W.P.No.15952 of 2019

CA(CO)
GMY(18/06/2019)



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