

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.17429 of 2019
and W.M.P.Nos.16919 and 16921 of 2019

P.Raji .. Petitioner

-vs-

- 1.The District Collector,
Dharmapuri District,
Collectorate, Dharmapuri - 636 705.
- 2.The Revenue Divisional Officer,
Salem Bypass, Periyar Nagar,
Harur, Dharmapuri District-636 903.
- 3.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District-636 905. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the notices dated 08.12.2017 and 09.01.2018 issued by the 3rd respondent to the petitioner under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, in connection with the land measuring an extent of 3.59 acres in S.No.111/2, in Alamelupuram Village in Pappireddypatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently, direct the 3rd respondent to issue patta for the said land in the name of the petitioner.

For Petitioner : Mr.C.Uma

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

2.The case of the petitioner is that she was issued notice dated 08.12.2017 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Thereafter, the petitioner was issued notice dated 09.01.2018 under Section 6 of the said Act. The said notices were issued in connection with the land measuring an extent of 3.59 acres in S.No.111/2, Alamelupuram Village, Pappireddypatti Taluk, Dharmapuri District. The prayer of the petitioner is that the said notices be quashed.

3.The notice under Section 7 of the said Act was issued in relation to the encroachment and thereafter, the notice under Section 6 of the said Act was issued for removal of the said encroachment. As against the notice under Section 6 of the said Act, there is an efficacious alternate remedy of preferring an appeal under Section 10 of the said Act. Therefore, we are not inclined to entertain this writ petition. It would be open to the petitioner to prefer an appeal under Section 10 of the said Act, as 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.16919 and 16921 of 2019 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The District Collector,
Dharmapuri District,
Collectorate, Dharmapuri - 636 705.

2.The Revenue Divisional Officer,
Salem Bypass, Periyar Nagar,
Harur, Dharmapuri District-636 903.

3.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District-636 905.

+lcc to Ms.C.Uma, Advocate sr.52456
+lcc to Government Pleader sr.53039

W.P.No.17429 of 2019

kk(co)
nr 23/07/2019



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