

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.22994 of 2019

Ramaswami @ Mani

.. Petitioner

-vs-

1.The District Collector,
Salem District.

2.The Tahsildar,
Omalur, Salem District.

3.The Revenue Inspector,
Karuppur, Omalur Taluk,
Salem District.

4.C.Padmavathi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the notice issued by the 3rd respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the notice dated 15.07.2019 issued by the 2nd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same.

For Petitioner : Mr.P.Jagadeesan

For Respondents : Mr.S.N.Parthasarathi
Government Advocate
for respondent Nos.1 to 3

ORDER

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

Heard Mr.P.Jagadeesan, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate for respondent Nos.1 to 3.

2. The case of the petitioner is that notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to him by respondent No.3/Revenue Inspector, Karuppur, Omalur Taluk, Salem District. Thereafter, on 15.07.2019, notice under Section 6 of the said Act was issued by respondent

No.2/Tahsildar, Omalur, Salem District. The said notice pertains to Survey No.123/9 situated at Karuppur Village, Salem District. The petitioner has filed the present writ petition seeking to quash the said notices.

3. Notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is a final notice. As against the notice issued under Section 6 of the said Act, the petitioner has an efficacious alternate remedy of preferring an appeal under Section 10 of the said Act. In the said appeal, the petitioner can also prefer an application for stay under Section 10B of the Act.

4. Since the petitioner has efficacious alternate remedy, we are not inclined to interfere and the petitioner is relegated to the remedy of preferring an appeal.

5. In view of the above, the writ petition is dismissed. No costs. Consequently, W.M.P.No.22650 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector, Salem District.

2.The Tahsildar,
Omalur, Salem District.

3.The Revenue Inspector,
Karuppur, Omalur Taluk,
Salem District.

Copy To
The Section Officer,
E.R. Section, High Court,
Madras.

+lcc to Mr.P.Jagadeesan, Advocate, S.R.No. 67263

W.P.No.22994 of 2019

BS (CO)
GN(06/08/2019)