

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.25034 of 2019 and
W.M.P.Nos.24602, 24605, 24609 & 24611 of 2019

K.Basheer

.. Petitioner

Vs.

1. The District Collector,
The Nilgiris District,
Ootacamund.
2. The Revenue Divisional Officer,
Gudalur - 643 212, The Nilgiris.
3. The Tahsildar,
Gudalur Taluk, Gudalur.
4. The Executive Officer,
Gudalur III Grade Municipality,
Gudalur (The Nilgiris District)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorarified mandamus calling for the records of the 1st respondent pertaining to the impugned order dated 24.06.2019 in R.C.U2.No.9774/2019 and quash the same and consequently, direct the respondents to de-seal the petitioner's shop in Door No.10/688K, Ooty-Mysore Road, Gudalur, Nilgiris - 643 212 and forbear the respondents from interfering with the petitioner's peaceful possession and use of the said shop.

For Petitioner : Mr.Richardson Wilson
for M/s.Wilson Associates

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

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 a Writ of certiorari mandamus to call for the records of the 1st respondent pertaining to the impugned order dated 24.06.2019 and to quash the same and consequently, direct the respondents to de-seal the petitioner's shop in Door No.10/688K, Ooty-Mysore Road, Gudalur, The Nilgiris and forbear the respondents from interfering with the petitioner's peaceful possession and use of the said shop.

2.The petitioner has filed the Writ Petition challenging the order dated 24.06.2019 passed by the District Collector, The Nilgiris, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

3.As against the order passed by the 1st respondent, the District Collector, under Section 10 of the Act, the petitioner has got remedy by way of a revision under Section 10-A of the Act before the Government. The petitioner has filed the Writ Petition without exhausting the remedy available to him under Section 10-A of the Act. In these circumstances, we are not inclined to entertain the Writ Petition. However, it is open to the petitioner to challenge the impugned order dated 24.06.2019 before the Government under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905. It is also open to the petitioner to raise all the issues in the revision.

4.With these observations, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

va

To

1. The District Collector,
The Nilgiris District,
Ootacamund.
2. The Revenue Divisional Officer,
Gudalur - 643 212, The Nilgiris.

3. The Tahsildar,
Gudalur Taluk, Gudalur.

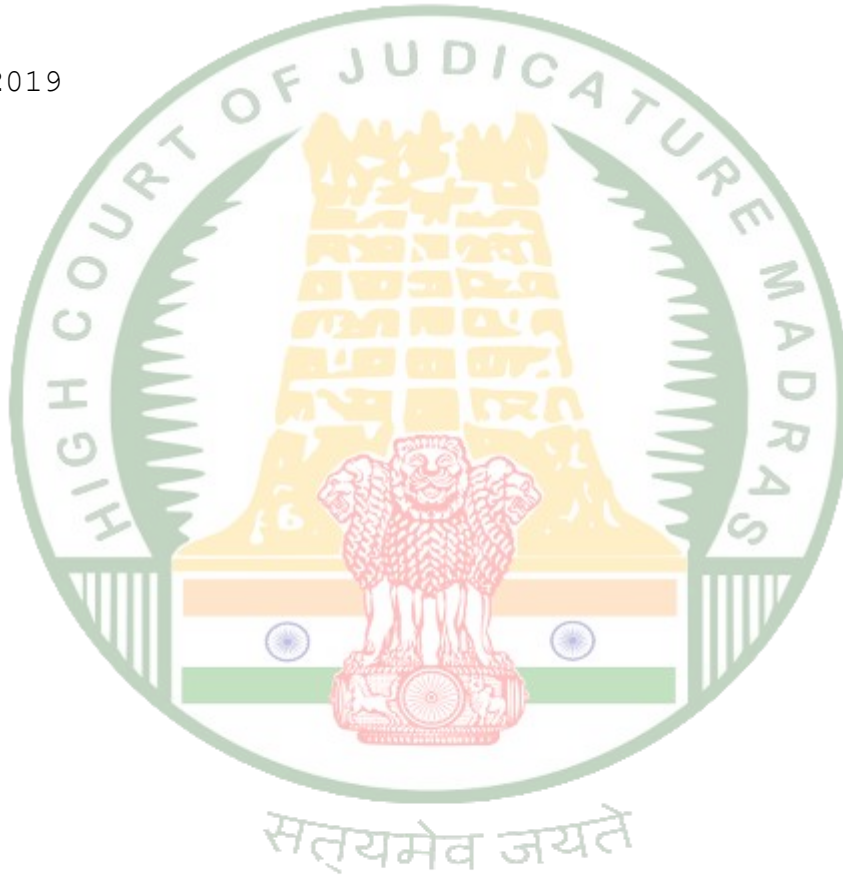
4. The Executive Officer,
Gudalur III Grade Municipality,
Gudalur (The Nilgiris District)

+1cc to M/s.Wilson Associates, Advocate, S.R.No.72359

+1cc to the Government Pleader, S.R.No.73460

W.P.No.25034 of 2019 and
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SR(CO)
CS/25/09/2019



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