

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.26248 of 2019

N.Venkatesh .. Petitioner

-vs-

1.The District Collector,
The Nilgiris District,
Udhagamandalam.

2.The Tahsildar,
Taluk Office,
Udhagamandalam,
The Nilgiris District.

3.Firka Revenue Inspector,
Udhagamandalam Taluk,
The Nilgiris District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records of the third respondent in his reference No.Nil dated 25.07.2019 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of the subject matter of property and quash the same.

For Petitioner : Mr.N.Ramesh
for M/s.J.Franklin

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

ORDER

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

Heard Mr.N.Ramesh, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for the respondents.

2. The petitioner is seeking quashing of the notice dated 25.07.2019 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The said notice pertains to Old Survey No.449, New Survey No.543 measuring an extent of 0.60.10 ares (0.25 cents) situated at Sholur Village, Udagai Taluk.

3. The learned counsel for the petitioner stated that after issuance of the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner was served with a notice under Section 6 of the said Act.

4. As against the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has efficacious alternate remedy of preferring an appeal under Section 10 of the said Act. In addition, in the appeal, the petitioner can prefer an application for stay under Section 10B of the said Act. Therefore, at this stage, we are not inclined to interfere and the petitioner is relegated to the remedy of preferring appeal against the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, which is the final notice.

5. The writ petition is disposed of with the above observation. No costs. Consequently, W.M.P.Nos.25629 and 25631 of 2019 are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector,
The Nilgiris District,
Udhagamandalam.

2.The Tahsildar,
Taluk Office,
Udhagamandalam,
The Nilgiris District.

3.The Firka Revenue Inspector,
Udhagamandalam Taluk,
The Nilgiris District.

W.P.No.26248 of 2019

PPA(CO)
GN(30/08/2019)



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