

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.09.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.26814 of 2019

Sri Vaiyapuri Vinayagar Aalaya Trust
Rep. by its Trustee
No.2/214-A, Rajan Nagar
2nd Street, Anuman Colony
Injambakkam
Chennai - 600 115.

.. Petitioner

v.

1 The District Collector
Collectorate
Singaravelar Maaligai
Beach Road
Chennai - 600 001.

2 The Tahsildar
Sholinganallur Taluk Office
Chennai District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the appeal under Section 10 of the Tamil Nadu land Encroachment Act, 1905 dated 11.02.2019 given by the Managing Trustee of the petitioner in respect of Sri Vaiyapuri Vinayagar Idol in S.No.234 of the Injambakkam Village, Sozhinganallu Taluk and Chennai District in view of the Section 2 of the above said Act, 1905 and Article 25 of the Constitution of India.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

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

Heard Mr.P.Vijendran, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader for the respondents.

2. The case of the petitioner/Trust is that they were issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The said notice pertains to the Vaiyapuri Vinayagar Temple situated at Survey No.234, Hanuman Colony, Injambakkam Village, Chennai - 600 115. Thereafter, notice under Section 6 of the Act was issued to the petitioner. The said notice is dated 18.12.2018. Against the said notice issued under Section 6 of the Act, the petitioner preferred an appeal under Section 10 of the said Act on 11.2.2019. The petitioner is now seeking directions to the respondents to consider the appeal. The petitioner has also prayed that Section 6 Notice be stayed till the appeal preferred by the petitioner is disposed of.

3. As far as stay is concerned, the petitioner has an efficacious alternate remedy of preferring an application for stay under Section 10-B of the Act in the appeal preferred by him under Section 10 of the Act. As the petitioner has got an efficacious alternate remedy, we are not inclined to interfere and the petitioner is relegated to the remedy of preferring a stay application in the said appeal.

With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.26215 of 2019 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The District Collector
Collectorate
Singaravelar Maaligai
Beach Road
Chennai - 600 001.
- 2 The Tahsildar
Sholinganallur Taluk Office
Chennai District.

+1cc to Mr.P.Vijendran , Advocate SR.No. 77438

A.SK(06/09/2019)

W.P.No.26814 of 2019