

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM

THE Honourable DR.JUSTICE VINEET KOTHARI,
ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.29133 of 2019
and
W.M.P.No.28920 of 2019

T.Nithyanandam Petitioner

Versus

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Sub Collector,
Thiruvallur,
3. The Tahsildar,
Thiruvallur.
4. Tmt.Nikila Devi

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the third respondent's proceedings in Na.Ka/879/2019/B1 dated 21.6.2019 and quash the same.

For petitioner : Mr.M.Muthappan

For R1 to R3 : Mr.S.N.Parthasarathi,
Government Advocate

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, ACJ.)

The Petitioner, T.Nithyanandam, son of Tirupathi has filed this Petition with the following prayer:-

"Writ of certiorari calling for the records relating to the third respondent's proceedings in

Na.Ka/879/2019/B1 dated 21.6.2019 and quash the same."

2. Learned counsel for the Petitioner Mr.M.Muthappan submitted that Order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 has been passed by the Tahsildar, Thiruvallur, Respondent No.3 without serving a prior Notice under Section 7 of the said Act. In respect of the land in question an encroachment is alleged to have been made by the Respondent No.5, Tmt.Nikila Devi.

3. The learned Government Pleader, Mr.S.N.Parthasarathi, appearing for Respondents 1 to 3 submitted that the remedy is available to the Petitioner under Section 10 of the Act itself by way of Appeal to the District Collector.

4. The learned counsel for the petitioner submitted that he has already submitted a representation to the District Collector concerned on 13.7.2019 and made an Appeal to the Sub Collector on 18.9.2019.

5. Having heard the learned counsel for the parties, we are satisfied that in view regular remedy of Appeal available under Section 10 of the Act or Revision under Section 10(A) of the Act including the interim relief under Section 10(B) of the Act, the present Petition cannot be entertained. The petitioner may file appropriate Application seeking interim relief also under Section 10(B) of the Act. In such event, the learned District Collector is expected to hear the Petitioner as well as Respondent No.4 and then pass orders in accordance with law as expeditiously as possible.

6. The Writ Petition is disposed of accordingly. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

ssk.

To:

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Sub Collector,
Thiruvallur,

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3. The Tahsildar,
Thiruvallur.

+1cc to Mr.M.Muthappan, Advocate SR.No.85656

+1cc to Government Pleader SR.No.85852

W.P.No.29133 of 2019

CP (CO)
GMY (21/10/2019)



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