

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.Nos.29161 of 2019

and

W.M.P.Nos.28959 of 2019

Ravi

Petitioner

Versus

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.
3. The Tahsildar,
Uthankarai Taluk,
Krishnagiri District.

4. R.Kumar

Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records relating to the impugned order dated 24.9.2019 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 by the 3rd respondent and to quash the same.

For Petitioner : Mr.C.Prabakaran

For RR1 to 3 : Mr.Kamalesh Kannan
Government Advocate

ORDER

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

The present Petition has been filed against the order dated 24.9.2019 passed by Respondent No.3, the Tahsildar, Uthangarai Taluk, Krishnagiri District seeking to remove the alleged encroachment of the Petitioner in S.No.12/1 of public road admeasuring 0.18.5 acres.

2. Learned counsel for the Petitioners submitted that this proceedings has been initiated on the complaint lodged by Respondent No.4, R.Kumar and the impugned Notice has been issued by the Respondent-Authority even before the expiry of the time granted in Notice under Section 7 and without considering the objection dated 23.9.2019 filed by the Petitioner for the Notice issued under Section 7 of the Act.

3. The Tamil Nadu Land Encroachment Act, 1905 provides for an alternative mechanism as against the final order passed under Section 6 of the said Act. An appeal lies to the District Collector from any decision or the order passed by the Tahsildar or Deputy Tahsildar under Section 10 of the Act and Section 10-A provides for a Revision and Section 10-B provides for interim stay also during the pendency of the Appeal or Revision.

4. In view of regular alternative remedy available to the petitioners, the present Writ Petitions under Article 226 of the Constitution of India cannot be entertained as the Petitioners have got adequate alternative remedy under the law.

5. In view of the said alternative remedy available to the Petitioners, we relegate the Petitioners back to the District Collector to file appropriate stay petition with Memo of Appeal under Section 10 of the Act and press the same in accordance with law after impleading Respondent No.4 also in such Appeal. The District Collector concerned is expected to hear and decide the Appeal in accordance with law and he may consider the stay Application also if it is filed, expeditiously, preferably within a week of filing of the same and if the same is filed within one week from today, no coercive steps shall be taken against the Petitioners for a period of three weeks from today without specific leave of the District Collector concerned. The Petitioner is also directed to appear before the Respondent-District Collector concerned in the first instance on 23.10.2019.

6. The Writ Petitions are disposed of accordingly. No costs. The connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

ssk.

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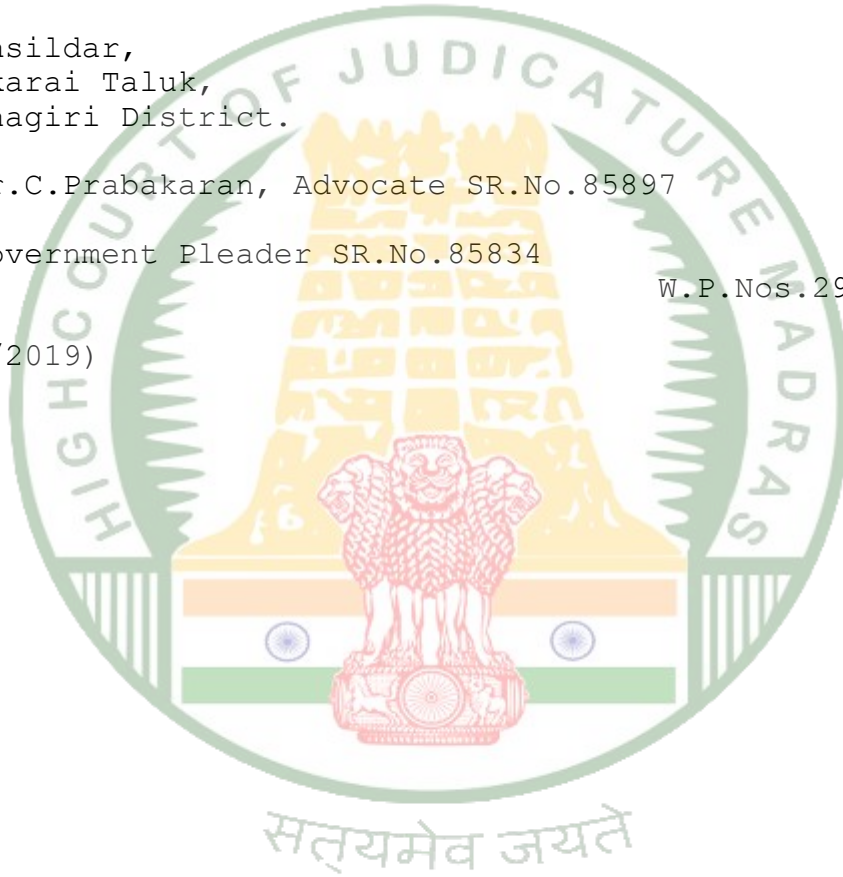
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Krishnagiri District.

+1cc to Mr.C.Prabakaran, Advocate SR.No.85897

+1cc to Government Pleader SR.No.85834

W.P.Nos.29161 of 2019

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



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