

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.36426 of 2004
and W.M.P.No.18836 of 2006

Pachaiyappan .. Petitioner

-vs-

- 1.The Revenue Divisional Officer,
Cheyyar Division,
Thiruvannamalai District.
- 2.The Tahsildar,
Cheyyar Taluk,
Thiruvannamalai District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records in Na.Ka.A6 11209/04 dated 10.11.2004 passed by the second respondent, quash the same and forbear the respondents from dispossessing the petitioner from the lands bearing S.Nos.146, 184, 188 and 176/1 measuring 2.00.0 acres in Periya lake in Sirugattur Village, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner : Mr.A.Illaya Perumal

For Respondents : Mr.S.N.Parthasarathi
Govt. Advocate

* * * * *

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 certiorarified mandamus to call for the

records of the notice dated 10.11.2004 issued by the second respondent, to quash the same and to forbear the respondents from dispossessing the petitioner from the lands bearing S.Nos.146, 184, 188 and 176/1 measuring 2.00.0 acres in Periya lake in Sirugattur Village, Cheyyar Taluk, Thiruvannamalai District.

2.The petitioner has challenged the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, in this writ petition. Admittedly, the petitioner has got remedy by way of an appeal under Section 10 of the said Act before the appellate authority. The petitioner has filed this writ petition without exhausting the appellate remedy available under the Act. Hence, we are not inclined to entertain the writ petition. However, it is open to the petitioner to file an appeal under Section 10 of the said Act before the appellate authority in accordance with law.

With this observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.18836 of 2006 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Revenue Divisional Officer,
Cheyyar Division,
Thiruvannamalai District.

2.The Tahsildar,
Cheyyar Taluk,
Thiruvannamalai District.

+1cc to Mr.Ilayaperumal , Advocate SR.No. 68921

+1 cc to Government Pleader Sr.No. 70200

W.P.No.36426 of 2004

A.SK(20/09/2019)