

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.34152 of 2018 and

W.M.P.No.39684 of 2018

Arumugam

... Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

3.The Special Officer cum
Block Development Officer (V.P.)
Ma Kunnathur Panchayat,
Ulundurpet,
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorarified mandamus calling for the records of the impugned notice u/s 6 of the Tamil Nadu Act 1905 dated 01.10.2018 issued by the 3rd respondent and quash the same and consequently direct the respondents not to disturb the peaceful possession of the property of the petitioner except under due process of law.

For Petitioner : Mr.N.Ranjith Kumar

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

O R D E R

(Order of the Court 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 impugned notice under Section 6 of the Tamil Nadu Land

Encroachment Act 1905 dated 01.10.2018 issued by the 3rd respondent and to quash the same and to consequently direct the respondents not to disturb the peaceful possession of the property of the petitioner except under due process of law.

2.The petitioner has challenged the notice under Section 6 of the Tamil Nadu Land Encroachment Act in this Writ Petition. In spite of the petitioner having remedy by way of an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, the petitioner has filed the Writ Petition without exhausting the appeal remedy.

3.Since the petitioner has not exhausted the appeal remedy available under Section 10 of the Tamil Nadu Land Encroachment Act, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to challenge the impugned order dated 01.10.2018 before the Appellate Authority in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Villupuram District, Villupuram.

2.The Tahsildar,
Ulundurpet Taluk,
Villupuram District. सत्यमेव जयते

3.The Special Officer cum
Block Development Officer (V.P.)
Ma Kunnathur Panchayat,
Ulundurpet, Villupuram District.

+1cc to the Government Pleader Sr.693

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srg 07/02/2019