



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE K. RAVICHANDRABAABU
and

WEB COPY THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos. 14948 and 14949 of 2018

and

WMP (MD) Nos. 13514 and 13515 of 2018

A. Nagarajan : Petitioner in W.P. (MD) No. 14948 of 2018

R. Mookkan : Petitioner in W.P. (MD) No. 14949 of 2018

Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Melur Taluk, Madurai District.

3. The Assistant Executive Engineer,
Public Works Department,
Melur Taluk, Madurai District.

4. The Village Administrative Officer,
Boodamangalam, Melur Taluk,
Madurai District.

5. The Revenue Inspector,
Karungalakudi Sub Taluk,
Melur Taluk, Madurai District.

: Respondents 1 to 5 in both writ petitions

6. Prabhu

(R6 is impleaded vide court order

dated 03.09.2018 in WMP (MD) No. 14622/2018)

: 6th respondent in W.P. (MD) No. 14949/2018

PRAYER IN W.P. (MD) No. 14948 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records of the impugned order of the fifth respondent dated -nil- and quash the same as illegal.

PRAYER IN W.P. (MD) No. 14949 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records of the impugned order of the second respondent dated 20.06.2018 and quash the same as illegal.



For R-1 to R-5 in
both writ petitions

: Mr.V.R.Shanmuganathan
Special Government Pleader

For R-6 in W.P. (MD)
No.14949 of 2018

: Mrs.P.Jessi Jeeva Priya

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COMMON ORDER

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

Both these writ petitions are filed challenging the notice issued under Section 7 of the Land Encroachment Act, 1905.

2.Heard both sides.

3.While entertaining these writ petitions, this Court has granted interim stay on 11.07.2018. However, when these matters are taken up today for further hearing, it is informed by the learned Special Government Pleader that even before the grant of interim stay, an order under Section 6 of the Land Encroachment Act, 1905, also was passed on 20.06.2018 itself and therefore, it is for the petitioners to work out their remedy against such final order in the manner known to law before the appropriate forum.

4.The learned counsel appearing for the petitioners submitted that though the petitioners have filed a suit challenging the notice issued under Section 6 of the said Act, since such course of actions is not maintainable and that the petitioners have to file only a statutory appeal as provided under the relevant statute before the appellate authority, the petitioners may be given liberty to work out such appellate remedy before the appropriate appellate authority.

5.Insofar as these writ petitions are concerned, the challenge made herein is against the notice issued under Section 7 of the said Act. Now, it is stated that even before the grant of interim order by this Court in these writ petitions, an order under Section 6 of the said Act, has already been passed on 20.06.2018. If that be the position, it is for the petitioners to work out their remedy as against the said order before the appropriate forum and therefore, these writ petitions are dismissed, without expressing any view on the merits of the matter, however, by granting liberty to the petitioners to work out their remedy as against the order made under Section 6 of the said Act. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(AS)

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To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Melur Taluk, Madurai District.

3.The Assistant Executive Engineer,
Public Works Department,
Melur Taluk, Madurai District.

4.The Village Administrative Officer,
Boodamangalam, Melur Taluk,
Madurai District.

5.The Revenue Inspector,
Karungalakudi Sub Taluk,
Melur Taluk, Madurai District.

+1CC TO MR.P.JESSI JEEVA PRIYA, Advocate Sr. No.74592

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 74910

W.P. (MD) Nos.14948 and 14949 of 2018

10.07.2019

AL(CO)

TR (24.07.2019) 3P 8C