

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.16295 of 2020

1.T.Shanmugam

2.S.Gopal

..Petitioner

Versus

1.The District Collector,
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer,
Thiruchengode, Namakkal District.

3.The Tahsildar,
Thiruchengodu Taluk,
Namakkal District.

4.The Special Tahsildar,
Land Acquisition Project Officer,
Salem.

..Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari to call for the proceedings in Na.Ka.No. 22306 / 2017 / L5 passed by the 1st respondent dated 12.10.2018 and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.M.Guruprasad

For Respondents: Mr.R.Vijayakumar

Additional Government Pleader
for R1 to R4

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Subject matter of challenge in this Writ Petition is the order passed by the 1st respondent dated 12.10.2018 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

2. The learned counsel appearing for the petitioner, on instructions, would submit that in the light of the availability of alternative remedy under Section 10A of the Tamil Nadu Land Encroachment Act, with a provision for Stay under Section 10B of the said Act, the petitioner may be permitted to withdraw the Writ Petition, with a liberty to avail the said alternative remedy.

3. This Court heard the submission of the learned counsel appearing for the official respondents also.

4. In the light of the said submission made by the learned counsel appearing for the petitioner on instructions, the Writ Petition is dismissed as withdrawn and if the petitioners are so advised, they are at liberty to make a challenge to the impugned proceedings of the 1st respondent dated 12.10.2018, by filing revision under Section 10-A of the Tamil Nadu Land Encroachment Act, along with a petition for Stay under Section 10-B of the said Act, before the Commissioner of Land Administration and as and when, the Revision along with Petition for Stay is filed, the said official may entertain the same, if the papers are otherwise in order and give a disposal as expeditiously as possible, either in the petition for Stay or in the main revision itself, at an early date. No costs. Consequently connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,

Namakkal District,

Namakkal.

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2.The Revenue Divisional Officer,
Thiruchengode, Namakkal District.

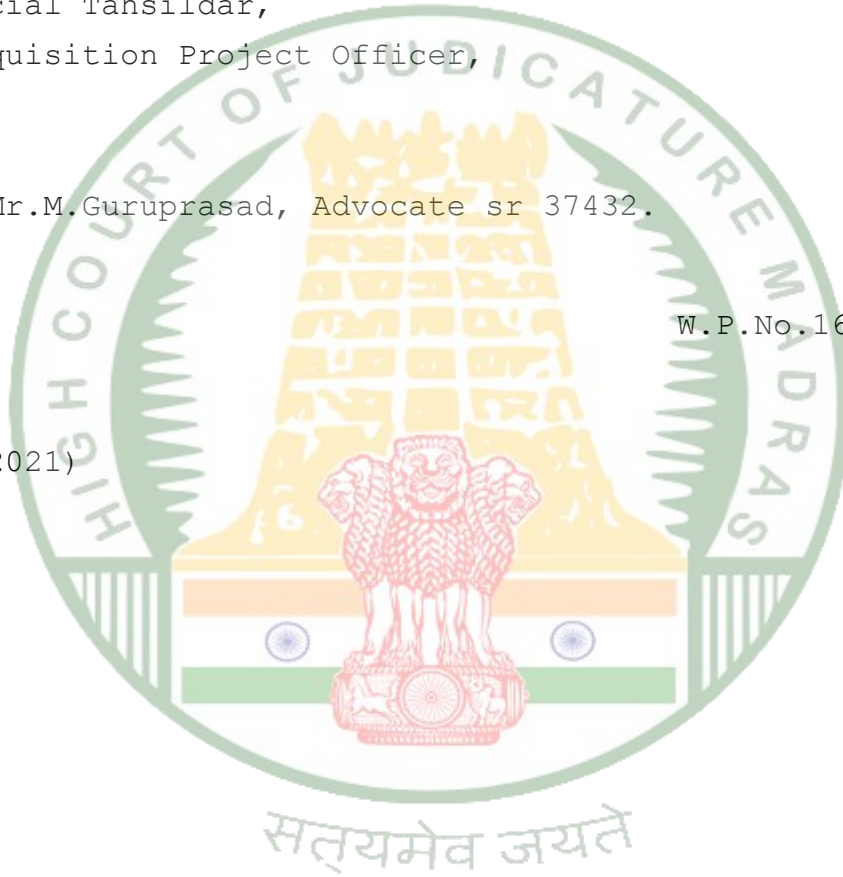
3.The Tahsildar,
Thiruchengodu Taluk,
Namakkal District.

4.The Special Tahsildar,
Land Acquisition Project Officer,
Salem.

+1 CC to Mr.M.Guruprasad, Advocate sr 37432.

W.P.No.16295 of 2020

BP (CO)
SP (07/01/2021)



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