



WEB COPY

W.P (MD) No. 999 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No. 999 of 2020

and

W.M.P (MD) No. 805 of 2020

Sakthikani

... Petitioner

Vs.

The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings issued by the respondent in A1/2522/2019 dated 24.12.2019 and quash the same and consequently, direct the respondent to allow the petitioner to continue in the said property.

For Petitioner : Mr.S.Mandhiralingeswaran

For Respondent : Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

[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 pertaining to the impugned proceedings dated 24.12.2019 and quash the same and consequently directing the respondent to allow the petitioner to continue in the said property.

2. The petitioner is challenging the notice dated 24.12.2019 issued by the respondent under Section 6 of the Tamil Nadu Encroachment Act. When the petitioner has got remedy by way of an appeal under Section 10 of the Act, the writ petition filed by the petitioner under Article 226 of the Constitution of India can not be entertained.



3. In such view of the matter, 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 24.12.2019 by way of an appeal before the appellate authority. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

copy to
The Section Officer,
E.R.Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MANTHIRALINGESHWARAN, Advocate (SR-2265[F] dated 22/01/2020)

+1 CC to M/s.SPL.GP (SR-2330[F] dated 22/01/2020)

W.P (MD) No. 999 of 2020

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21.01.2020

KG (CO)
TR (22.01.2020) 2P 5C