



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

WEB COPY

W.P(MD)Nos.2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147,
2148, 2149 & 2150 of 2020
and W.M.P(MD)Nos.1799, 1800, 1801, 1803, 1804, 1805, 1806, 1807,
1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818,
1819, 1820, 1821, 1822 & 1823 of 2020

D.Chandra Menon	... Petitioner in W.P(MD)No.2139 of 2020
N.Kodiswaran	... Petitioner in W.P(MD)No.2140 of 2020
D.Muthiahchamy	... Petitioner in W.P(MD)No.2141 of 2020
D.Amutha	... Petitioner in W.P(MD)No.2142 of 2020
S.Patrick	... Petitioner in W.P(MD)No.2143 of 2020
T.S.M.Sambathkumar	... Petitioner in W.P(MD)No.2144 of 2020
K.Manickavel	... Petitioner in W.P(MD)No.2145 of 2020
N.Selvarajan	... Petitioner in W.P(MD)No.2146 of 2020
N.Dhanabalan	... Petitioner in W.P(MD)No.2147 of 2020
A.Thaiavanayagam	... Petitioner in W.P(MD)No.2148 of 2020
M.Chinnadurai	... Petitioner in W.P(MD)No.2149 of 2020
V.Durai	... Petitioner in W.P(MD)No.2150 of 2020

Vs.

- 1.The Tamil Nadu Government,
Through its Secretary (Revenue Department),
Secretariat, Chennai - 600 009.
- 2.The District Revenue Officer,
Thoothukudi District, Thoothukudi.
- 3.The Revenue Divisional Officer,
Thoothukudi Revenue Division,
Thoothukudi.
- 4.The Tahsildar,
Vilathikulam Taluk, Thoothukudi District.
- 5.The Managing Director,
Tamil Nadu Salt Corporation Limited,
No.735, Anna Salai, LLA Building 4th Floor,
Chennai.



6.The Nodal Officer,
Tamil Nadu Salt Industry,
Tamil Nadu, Chennai. ... Respondents in in W.P(MD)No.2139 to
2150 of 2020

Prayer in WP(MD)No.2139 of 2020:- Writ 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 order in Na.Ka.No.A7/3343/2019, dated 16.10.2019 issued by the fourth respondent and quash the same as void and illegal and direct the respondents to permit the petitioner to be in possession of the same specific and definite property of 10.00.0 Hectares out of 457.15.5 in disforest Survey No.989 in Vaipar Revenue Village in Vilathikulam Taluk in Thoothukudi District for manufacturing salt in the salt pan.

Prayer in WP(MD)No.2140 of 2020 to 2150 of 2020:

Writ Petitions 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 order Na.Ka.No.A7/3343/2019 dated 16.10.2019 issued by the fourth respondent and quash the same as void and illegal and direct the respondents to permit this petitioner to be in possession of the same specific and definite property of 30.00.0, 08.00.0, 10.00.0, 08.00.0, 12.15.0, 10.00.0, 30.00.0, 10.00.0, 08.00.0 Hectares out of 457.15.5, 8.23.0 Hectares out of 8.23.0, 12.15.0 Hectares out of 457.15.5 respectively in disforest Survey No.989 in Vaipar Revenue Village in Vilathikullam Taluk, in Thoothukudi District for manufacturing salt in the salt pan.

For Petitioner	:	Mr.F.X.Eugene
in all WPs		
For Respondents	:	Mr.VR.Shanmuganathan,
in all WPs		Special Government Pleader.

COMMON ORDER

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

The petitioners have filed the above Writ Petitions to issue writs of Certiorarified Mandamus, to call for the records pertaining to the impugned orders dated 16.10.2019 issued by the fourth respondent and to quash the same and directing the respondents to permit the petitioners to be in possession of the same specific and definite property of 10.00.0, 30.00.0, 08.00.0, 10.00.0, 08.00.0, 12.15.0, 10.00.0, 30.00.0, 10.00.0, 08.00.0 Hectares out of 457.15.5, 8.23.0 Hectares out of 8.23.0 & 12.15.0 Hectares out of 457.15.5 respectfully in disforest Survey No.989 in Vaipar Revenue Village, Vilathikulam Taluk, Thoothukudi District for manufacturing salt in the salt pan.

2. Admittedly, the petitioners were issued notices under Section 7 and Section 6 of the Tamil Nadu Land Encroachment Act, 1905. It cannot be disputed that the petitioners have got remedy by way of appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the District Collector. Without exhausting the appeal remedy available to the petitioners, they preferred these Writ Petitions under Article 226 of the Constitution of India.

3. When the petitioners have got appeal remedy, we are not inclined to entertain the Writ Petitions. Accordingly, the Writ Petitions are dismissed. However, it is open to the petitioners to file appeal before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, challenging the impugned order dated 16.10.2019. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar

/True copy/

/02/2020
Sub Assistant Registrar

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To

1. The Tamil Nadu Government,
Through its Secretary (Revenue Department),
Secretariat, Chennai - 600 009.
2. The District Revenue Officer,
Thoothukudi District, Thoothukudi.
3. The Revenue Divisional Officer,
Thoothukudi Revenue Division,
Thoothukudi.
4. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.
5. The Managing Director,
Tamil Nadu Salt Corporation Limited,
No.735, Anna Salai, LLA Building 4th Floor,
Chennai.
6. The Nodal Officer,
Tamil Nadu Salt Industry,
Tamil Nadu, Chennai.



W.P(MD)Nos.2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149 & 2150 of 2020

+12cc to Mr.F.X.Eugene, Advocate, SRNos.4732,4733, 4734,4735, 4736 ,
4737,4738,4739,4740,4741,4742,4743

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KK/SAR/21.02.2020/4P-19C