



WEB COPY

W.P.(MD)No.2733 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD)No.2733 of 2020

and

W.M.P. (MD)No.2320 of 2020

S.Ramuthai

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Block Development Officer,
Village Panchayat,
Madurai West Panchayat Union,
Madurai District.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.The Revenue Inspector,
Kulamangalam,
Madurai.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent vide his proceeding in Na.Ka.No.2804/2019/Thi.1, dated 27.01.2020 and to quash the same.

For Petitioner : Mr.A.Jayaramachandran

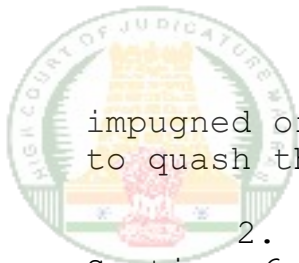
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

[Order of the Court was delivered by **M.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition to issue a writ of Certiorari calling for the records pertaining to the

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impugned order passed by the second respondent, dated 27.01.2020 and to quash the same.

2. The petitioner is challenging a notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, by the second respondent calling upon her to remove the encroachment. In the said notice, the second respondent has stated that a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 has been issued to her.

3. The learned Counsel appearing for the petitioner submitted that the petitioner was issued with the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, on 12.10.2018 and the petitioner has also given her explanation on 16.10.2018.

4. The petitioner has got remedy by way of an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, challenging the notice issued under Section 6 of the Act. Instead of filing an appeal against the notice issued under Section 6 of the Act, the petitioner has filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained.

5. 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 file an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the Appellate Authority. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai District, Madurai.

2.The Block Development Officer,
Village Panchayat,
Madurai West Panchayat Union,
Madurai District.



3.The Tahsildar,
Madurai North Taluk, Madurai.

4.The Revenue Inspector,
Kulamangalam,
Madurai.

+1 CC to M/s.A.JAYARAMACHANDRAN, Advocate (SR-6418[F]

+1 CC to M/s.SPL.GP (SR-6300[F] dated 14/02/2020)

W.P. (MD)No.2733 of 2020

and

W.M.P. (MD)No.2320 of 2020

13.02.2020

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SDS (24.02.2020) 3P-7C