



W.P.(MD) No.3585 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P.(MD) No.3585 of 2020
and
W.M.P.(MD) No.3027 of 2020

Pappathi Ammal

... Petitioner

-vs-

1.The District Collector
District Collector's Office
Trichy-1
Trichy District

2.The Zonal Deputy Tahsildar
Taluk Office
Srirangam
Trichy-6
Trichy District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the second respondent proceedings made in Aa3/6727/2013 Notice under Section 6 of Chennai III Act, 1905, dated 07.02.2020, quash the same and further direct the second respondent to consider the petitioner's explanation dated 25.12.2019.

For Petitioner: Mr.R.Sundar

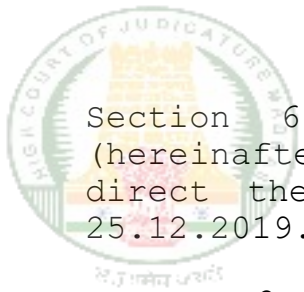
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

[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 relating to the second respondent proceedings made in Aa3/6727/2013 Notice under Section 6 of Chennai III Act, 1905, dated 07.02.2020, issued by the second respondent, under

<https://hcservices1.mca.gov.in/hcservices1>



Section 6 of the Tamil Nadu Land Encroachment Act, 1905, (hereinafter, referred to as "the Act"), to quash the same and to direct the second respondent to consider her explanation dated 25.12.2019.

2. It is not in dispute that the petitioner was issued with Section 7 Notice dated 11.12.2019, by the second respondent for which an explanation was also given by her on 25.12.2019, thereafter, the second respondent has issued the impugned Section 6 Notice, dated 07.02.2020, for evicting the petitioner from the encroachment.

3. When the petitioner has got a remedy by way of appeal, under Section 10 of the Act, without exhausting the same, she has chosen to file the writ petition under Article 226 of the Constitution of India, which cannot be entertained. In such view of the matter, we are relegating the petitioner to file appeal before the District Collector / first respondent, under Section 10 of the Act challenging the Section 6 Notice, dated 07.02.2020 issued by the second respondent.

4. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

/ /2020
Sub Assistant Registrar

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To:

1.The District Collector,
District Collector's Office,
Trichy-1, Trichy District.

2.The Zonal Deputy Tahsildar,
Taluk Office,
Srirangam, Trichy-6, Trichy District.

Copy to: The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

(To Return the original papers to the petitioner after retaining a photocopy of the same in the bundle)

+1 CC to M/s.SPL.GP (SR-7774[F] dated 24/02/2020)

W.P.(MD) No.3585 of 2020

and

W.M.P.(MD) No.3027 of 2020

21.02.2020

KK/24.02.2020/2P-6C

<https://hcservices.ecourts.gov.in/hcservices/>