



WEB COPY

W.P(MD)No.3885 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD)No.3885 of 2020

and W.M.P (MD)Nos.3275 & 3276 of 2020

Parvathi

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Madurai,
Madurai District.

2.The District Revenue Officer,
O/o.The District Revenue Officer,
Madurai,
Madurai District.

3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Melur Taluk,
Madurai District.

4.The Tahsildar,
East Taluk Office,
Madurai,
Madurai District.

5.The Revenue Inspector,
O/o. The Revenue Inspector,
Otthakadai Division,
Madurai District.

... Respondents

Prayer:- 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 notice dated 17.02.2020 on the file of the fifth respondent and quash the same as illegal and consequently forbear the respondents from evicting the petitioner from the dwelling house in Survey No.6/1, Ulaganeri Village, Madurai East Taluk, Madurai District within a time frame.

For Petitioner : Mr.T.Lajapathi Roy

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



ORDER

[Order of the Court was made by **M.DURAISWAMY, 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 notice dated 17.02.2020 on the file of the fifth respondent and to quash the same and consequently, forbearing the respondents from evicting the petitioner from the dwelling house in Survey No.6/1, Ulaganeri Village, Madurai East Taluk, Madurai District.

2.The fifth respondent issued the impugned notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, against which the petitioner has got remedy by way of an appeal under Section 10 of the Act. Earlier, the petitioner was issued notice under Section 5 of the Act on 05.11.2019 and the petitioner has also given her explanation for the same. Thereafter, the fifth respondent has passed the impugned notice under Section 6 of the Act.

3.Since the petitioner has got remedy by way of an appeal under Section 10 of the Act, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is disposed of, giving liberty to the petitioner to file an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The respondents are directed to maintain status quo for a period of two weeks from the date of receipt of a copy of this order, enabling the petitioner to file an appeal. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps
To

1.The District Collector,
District Collectorate,
Madurai,
Madurai District.

2.The District Revenue Officer,
O/o.The District Revenue Officer,
Madurai,
Madurai District.



3.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Melur Taluk,
Madurai District.

4.The Tahsildar,
East Taluk Office,
Madurai,
Madurai District.

5.The Revenue Inspector,
O/o. The Revenue Inspector,
Otthakadai Division,
Madurai District.

W.P (MD) No.3885 of 2020
and

W.M.P (MD) Nos.3275 & 3276 of 2020
26.02.2020

KK/26.02.2020/3P-6C