



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAISWAMY
and
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P. (MD) No.4274 of 2020

and

W.M.P. (MD) Nos.3602 & 3603 of 2020

T.Kalaiselvi

... Petitioner

-vs-

1.The District Collector
Dindigul, Dindigul District

2.The Thasildar
Vedachandhur Taluk
Dindigul District

3.The Executive Officer
Vadamathurai Town Panchayat
Vada madurai
Vedachandur Taluk, Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for records pertaining to the impugned order in Na.Ka.No.43/2019 dated 20.02.2020 served on 26.02.2020 on the file of the respondent No.3 in so far as the petitioner is concerned and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader for R1 & R2

Mr.M.Jeyakumar
Additional Government Pleader for R3



O R D E R

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

The petitioner has filed the above writ petition to issue a writ of certiorari to call for records pertaining to the impugned notice dated 20.02.2020, served on 26.02.2020, on the file of the third respondent insofar as the petitioner is concerned and to quash the same as illegal.

2. The petitioner has challenged the notice, dated 20.02.2020, issued by the third respondent, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, (hereinafter, referred to as "the Act"), in the present writ petition.

3. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, who takes notice for the respondents 1 and 2 and Mr.M.Jeyakumar, learned Additional Government Pleader, who takes notice for the third respondent, submitted that the petitioner has got remedy by way of appeal under Section 10 of the Act.

4. In these circumstances, since the writ petition has been filed by the petitioner, without exhausting the alternative appeal remedy, we are not inclined to entertain the writ petition. However, the petitioner is at liberty to file appeal before the District Collector, Dindigul District / first respondent, under Section 10 of the Act, within a period of one week from the date of receipt of a copy of this Court.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Dindigul, Dindigul District.



W.P. (MD) No.4274 of 2020

2.The Thasildar,
Vedachandhur Taluk,
Dindigul District.

3.The Executive Officer,
Vadamathurai Town Panchayat,
Vadamadurai,
Vedachandur Taluk,
Dindigul District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9296[F] dated
28/02/2020)

W.P. (MD) No.4274 of 2020

and

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28.02.2020

SVN(CO)

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