



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD).No.12274 of 2020

and

W.M.P.(MD).No.10531 of 2020

Murugan

... Petitioner

Vs.

1. The District Collector,  
Sivagangai District,  
Sivagangai.
2. The Tahsildar,  
Tirupathur Taluk,  
Sivagangai District.
3. The Zonal Deputy Tahsildar,  
Tirupathur Taluk,  
Sivagangai District.

... Respondents

**Prayer:** The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to call for the records in pursuant to the impugned order passed by the third respondent, dated 25.08.2020 and quash the same as illegal and consequently, directing the respondents to grant patta in respect of the property in S.F.No.286/1 to an extent of 0.73.10 hectare situated at Thattati Group, Thulavoor, Thirupathur, Sivagangai District in favour of the petitioner.

For Petitioner : Mr.S.Madhavan  
For Respondents : Mr.M.Muthugeethaiyan  
Special Government Pleader

### **O R D E R**

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner, who has been issued with notice under Section 7 of the Land Encroachment Act, 1905, dated 24.08.2020, by the third respondent, in respect of the encroachment caused, in respect of the land ad-measuring to an extent of 1.52.50 hectare in S.No.286/1 and in respect of 0.73.10 hectares in S.No.286/1 along with superstructure and trees, came forward to file this writ petition.

2. In the considered opinion of this Court, the petitioner is having an effective alternative remedy under Section 10 of the Tamil Nadu Land Encroachment Act, in the form of appeal, before the first



respondent/ delegated authority, and as such, this writ petition is not maintainable for the present.

3. In the result, the Writ Petition is dismissed and if the petitioner is so advised, he is at liberty to invoke the appeal remedy before the first respondent along with a petition for stay and an appeal along with the petition for stay is filed, the first respondent/delegated authority may entertain the said appeal along with the said petition for stay, if the papers are otherwise in order, and give a disposal of the petition for stay at the earliest. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

**Note:** In view of the present lock down owing to COVID -19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,  
Sivagangai District,  
Sivagangai.
2. The Tahsildar,  
Tirupathur Taluk,  
Sivagangai District.
3. The Zonal Deputy Tahsildar,  
Tiruppathur Taluk,  
Sivagangai District.

+1 CC to the SPL GP ( SR-17878[F] dated 23/09/2020 )

**W.P. (MD) .No.12274 of 2020**

**22.09.2020**

AC (CO)

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