



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.12739 of 2020

and

W.M.P (MD) .No.10823 of 2020

V.Ravichandran

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2. The Revenue Divisional Officer,
Pattukottai, Thanjavur District.

3. The Tahsildar,
Peravurani Taluk,
Thanjavur District.

4. The Revenue Inspector,
Kuruvikarambai,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the third respondent herein dated 17.09.2020 and quash the same and consequently direct the 1 to 3 respondents herein to issue the patta to the petitioner with regard to land in S.No.26/27 situated 59, Regunayaki Puram village, Peravurani Taluk, Thanjavur District based on petitioner's representation dated 02.06.2020.

For Petitioner	:	Mr.G.Gomathi Sankar
For Respondents	:	Mr.M.Muthugeethaiyan, Special Govt. Pleader

O R D E R

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

The writ petitioner claims that he purchased the land admeasuring to the extent of six cents out of 13 cents in Survey No.26/27, Regunayaki Puram village, Peravurani Taluk, Thanjavur District, through the registered sale deed dated 24.11.1969, along with other lands and he claims to raise coconut saplings and sesame also.



2. The writ petitioner was issued with notices under Section 7 and followed by under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, by the third respondent and challenging the legality of the same, came forward to file this writ petition.

3. The learned Counsel appearing for the writ petitioner would submit that the petitioner had filed a Civil Suit in O.S.No.92 of 2020, on the file of the District Court, Thanjavur, praying for declaration and other consequential reliefs in respect of the land and property in question and also other properties and notices had been ordered to the respondents, which included the official respondents who are arrived as defendants 2 to 4 and emergently, they are proceeding further to dispose of the petitioner from the land in question and hence, prays for appropriate orders.

4. Per contra, Mr.M.Muthugeethaiyan, learned Special Government Pleader, accepts notice on behalf of the official respondents and would submit that admittedly, the petitioner had got the possessory right of the land and property in question along with other properties and also drawn the attention of this Court to the contents of the above cited sale deed and made the further submission that the title to the properties in his favour have not been raised at all and as such, the petitioner who is a rank encroacher cannot be claimed any title and prays for dismissal of this writ petition.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. The petitioner has filed a comprehensive Civil Suit in O.S.No.92 of 2020, on the file of the District Court, Thanjavur and also filed an interlocutory application for the interim relief and notices have been ordered.

7. In the considered opinion of this Court, the petitioner also having an effective alternative remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, in the form of appeal before the first respondent as the jurisdictional authority and pending disposal of the appeal also, pray for interim orders in the light of Section 10(B) of the said Act. Since the petitioner is having an effective alternative remedy and that apart, he has also filed a comprehensive Civil Suit, the writ petition as on now, is not maintainable. The petitioner is at liberty to invoke the appeal remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, by making a challenge to the notices issued under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, by way of an appeal before the first respondent and also make a prayer for interim orders and as and when the said appeal along with the petition for interim order is filed, the first respondent or the competent appellate authority shall take the petition for stay at



the first instance and give a disposal within a period of two weeks thereafter and also dispose of the main appeal at an early date.

8. In the result, **Writ petition is dismissed**, subject to the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn

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,
Thanjavur District,
Thanjavur.
2. The Revenue Divisional Officer,
Pattukottai, Thanjavur District.
3. The Tahsildar,
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Thanjavur District.
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Kuruvikarambai,
Thanjavur District.

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-18201[F] dated 28/09/2020)

+1 CC to M/s.SPL GP (SR-18397[F] dated 29/09/2020)

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KMV (CO)

KB (05.10.2020) 3P 7C

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