



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.14974 to 14977 of 2010

and

M.P.Nos.1,1,1,1,2,2,2,2 and 3 of 2010

- |                     |                                        |
|---------------------|----------------------------------------|
| 1. V.Ranganatha     | ... Petitioner in W.P.No.14974 of 2010 |
| 2. G.Rajamanickam   | ... Petitioner in W.P.No.14975 of 2010 |
| 3. S.Mangayarkarasi | ... Petitioner in W.P.No.14976 of 2010 |
| 4. A.Therasa        | ... Petitioner in W.P.No.14977 of 2010 |

Vs.

1.The Secretary to the Government of Tamil Nadu,  
Revenue Department,  
Fort St.George - 9.

2.The District Collector,  
Nagapattinam District,  
Nagapattinam.

3.The Tahsildar,  
Vedaranyam Taluk.

... Respondents in all W.Ps

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the eviction notice issued by the third respondent in Na.Ka.No.93/2009/A4, dated 22.06.2010 and quash the same and consequently direct the respondents to issue patta to the petitioners for the premises bearing Door No.12-B and New Door Nos.6, 8 and 9, Old Door Nos.12-C, 12-C1 and 14-F respectively comprised in Survey No.180/2A, in Hospital Road, Vedaranyam Town and Taluk, Nagapattinam District.

For Petitioners : Mr.V.Kasinathabharathi  
in all WPs

For Respondents : Mr.Richardson Wilson  
in all WPs Government Advocate



## COMMON ORDER

These Writ Petitions have been filed seeking to quash the eviction notice issued by the third respondent in Na.Ka.No.93/2009/A4, dated 22.06.2010 and consequently direct the respondents to issue pattas to the petitioners for the premises bearing Door No.12-B and New Door Nos.6, 8 and 9, Old Door Nos.12-C, 12-C1 and 14-F respectively comprised in Survey No.180/2A, in Hospital Road, Vedaranyam Town and Taluk, Nagapattinam District.

2. In all these Writ Petitions, the petitioners constructed thatched and tiled houses in the subject property comprised in S.No.180/2A situated at Hospital Road, Vedaranyam Town and Taluk, Nagapattinam District and they are residing there. They also sought for issuance of free house site pattas for their respective residence. While pending the suit, the third respondent issued the impugned communication directing the petitioners to evict from the place within seven days from the date of receipt of a copy of that communication. The petitioners raised a specific ground that they were not given notice before passing the impugned order as contemplated under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Admittedly, there is a statutory appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 before the District Collector. Without exhausting the appeal remedy, the petitioners have straight away approached this Court under Article 226 of the Constitution of India. When there is an appeal remedy provided under the Act, this Court cannot entertain these Writ Petitions. All the Writ Petitions are devoid of merits.

4. Accordingly, these Writ Petitions are dismissed. However, the petitioners are at liberty to file an appeal as against the impugned communication passed by the third respondent before the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to conduct an enquiry and pass order on merits and in accordance with law within a period of twelve weeks thereafter. Till the disposal of such appeals from the petitioners, the second respondent is directed not to evict the petitioners from their respective residential houses. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



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To

1.The Secretary to the Government of Tamil Nadu,  
Revenue Department,  
Fort St.George - 9.

2.The District Collector,  
Nagapattinam District,  
Nagapattinam.

3.The Tahsildar,  
Vedaranyam Taluk.

+4ccs to M/s.V.Kasinatha Bharathi, Advocate Sr No.41339  
+1cc to the Government Pleader Sr No.41082

W.P.Nos.14974 to 14977 of 2010

BD (CO)  
PR (14/09/2021)