



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

WEB COPY

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P. (MD) No.4727 of 2021
and
W.M.P(MD) Nos.3836 and 3837 of 2021

V.Murugan

... Petitioner

-vs-

1.The District Collector,
Office of the District Collector,
Virudhunagar District.

2.The Tahsildar,
Office of the Tahsildar,
Rajapalayam,
Virudhunagar District.

3.The Block Development Officer,
Office of the Block Development Officer,
Rajapalayam,
Virudhunagar District.

4.The President,
Jamin Kollankondan Panchayat,
Rajapalayam Panchayat Union,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records pertaining to the impugned proceedings issued by the second respondent in Na.Ka.No.A6/5827/2020, dated 29.01.2021 and consequential proceedings issued by the fourth respondent in No.Nil, dated Nil and quash the same.-

For Petitioner : Mr.N.Mariappan
For Respondents : Mr.N.Shanmugaselvam for R.1 & R.2
Additional Government Pleader
Mr.M.Jeyakumar for R.3 & R.4
Additional Government Pleader



O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Since it appears that the petitioner may be an admitted encroacher and any decision taken by the President of the Panchayat is amenable to an appeal before the Collector, this writ petition is not entertained.

2. There is an efficacious alternative remedy available to the petitioner. There are innumerable cases of encroachments in the State. If the writ courts were to receive grievances by the encroachers against attempts at encroachment, it would flood this Court. Since there is a domestic forum for the grievances to be addressed, as a matter of policy, the writ court should refrain from entertaining such complaints unless there is something extraordinary which is involved in the matter.

3. W.P.(MD)No.4727 of 2021 is disposed of by leaving the petitioner to approach the appropriate appellate authority at the appropriate stage. There will be no order as to costs. Consequently W.M.P.(MD) Nos.3836 and 3837 are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR/OGY

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,
Office of the District Collector,
Virudhunagar District.



2.The Tahsildar,
Office of the Tahsildar,
Rajapalayam,
Virudhunagar District.

3.The Block Development Officer,
Office of the Block Development Officer,
Rajapalayam,
Virudhunagar District.

+1 CC to SPL GP (SR-9152[F] dated 05/03/2021)

W.P. (MD) No.4727 of 2021

and

W.M.P (MD) Nos.3836 and 3837 of 2021

04.03.2021

VB (12.03.2021) 3P 5C