



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.10613 of 2021
and
W.M.P. (MD) No.8266 of 2021

Malarvizhi

... Petitioner

-vs-

1.The State of Tamilnadu
Rep.by its Commissioner
Land Administration
Ezhilagam, Chempauk
Chennai-600 005

2.The District Revenue Officer
Dindigul District

3.The Thasildar
Kodaikanal
Dindigul District

4.The Revenue Inspector
Kodaikanal Taluk Office
Dindigul District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records on the file of the respondents relating to the impugned notice dt 20.05.2021 issued by the respondent No.4 U/s.7 of Tamilnadu Land Encroachment Act 1905 (Act 3) and consequent order in Na.Ka.No.1283/2019/A2 dt 09.06.2021 passed by the respondent no.3 U/s. 6 of the above said Act and quash the same and consequently to directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in Survey No.438/3, Mattupatti, Pallangi Post, Vilpatti Village, Kodaikanal Taluk, Dindigul District.



For Petitioner : Mr.Chakkaravarthy.S.J.

For Respondents : Mr.R.Baskaran
Standing Counsel for Government

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O R D E R

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

The petitioner has chosen not to avail of the appellate remedy available to the petitioner under the Tamil Nadu Land Encroachment Act, 1905.

2. An order under Section 6 of the Act has been passed on June 9, 2021. The order was preceded by a notice. In such circumstances, the remedy of the petitioner is to prefer an appeal against the eviction order, if the petitioner is aggrieved thereby.

3. The petitioner claims that the appellate authority being the District Collector is involved in covid relief at the moment. There is no material to suggest that if an appeal is filed and any urgency shown, the District Magistrate will not entertain the same or deal with the matter.

4. Since there is an efficacious alternative remedy available to the petitioner under the Act of 1905, W.P.(MD) No.10613 of 2021 is not entertained and the petitioner is left free to pursue the usual remedy in accordance with law.

5. There will be no order as to costs. Consequently, connected W.M.P.(MD) No.8266 of 2021 is closed.

Sd/-

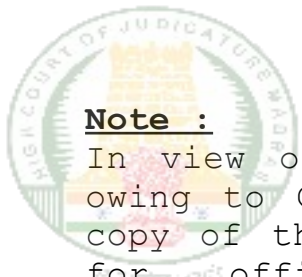
Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

KRK



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 Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
- 2.The District Revenue Officer,
Dindigul District.
- 3.The Thasildar,
Kodaikanal,
Dindigul District.
- 4.The Revenue Inspector,
Kodaikanal Taluk Office,
Dindigul District.

+1 CC to MR.S.J.CHAKKARAVARTHY, Advocate (SR-20282[F] dated 25/06/2021)

+1 CC to SPL GP (SR-20441[F] dated 28/06/2021)

W.P. (MD) No.10613 of 2021
and
W.M.P. (MD) No.8266 of 2021
25.06.2021

KM(02.07.2021) 3P 7C