



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.7815 of 2011
and M.P.Nos.1 and 2 of 2011

G.Saroja

... Petitioner

Vs.

1. The Trustee cum Inspector,
A/m. Annapuraniyamman Trust,
Mettupalayam Village,
Thiruthuraipoondi Taluk,
Thiruvarur & District.
2. The Superintendent of Police,
Thiruvarur & District.
3. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur & District.
4. Gopal Raman

... Respondents

PRAYER:

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned eviction notice through the proceedings Na.Ka.55/2011/ dated 28.02.2011 issued by the 1st respondent to the petitioner's is situated in S.No.46/6 spread over 0.55.1/3 cent No.2/109, Bharathi Nagar, Mettupalayam Post, Thiruthuraipoondi Taluk, Thiruvarur & District and quash the same.

For Petitioner : Mr.P.Vijendran

For Respondent: M/s.S.Yashwanth

Additional Government Pleader(H.R&C.E) [R1]

Mr.M.Rajendiran

Additional Government Pleader [R2 & R3]



O R D E R

The prayer sought for herein is for a Writ of Certiorari calling for records pertaining to the impugned eviction notice through the proceedings Na.Ka.55/2011/ dated 28.02.2011 issued by the 1st respondent to the petitioner's is situated in S.No.46/6 spread over 0.55.1/3 cent No.2/109, Bharathi Nagar, Mettupalayam Post, Thiruthuraipoondi Taluk, Thiruvarur & District and quash the same.

2. The petitioner was issued with a notice by the first respondent in proceedings Na.Ka.55/2011 dated 28.02.2011 for removing the encroachment and handing over the possession to the H.R.&C.E. Department. Challenging the same, the petitioner has approached this Court under Article 226 of Constitution of India.

3. On the other hand, it is obvious that, an Appeal is available against the order of the petitioner's trust to the Assistant Commissioner of H.R.&C.E, as the trust falls under the purview of H.R.&C.E Act. It is relevant to note that the fourth respondent herein has approached the concerned authority and obtained favorable orders. Whereas, without exhausting the available remedies of Appeal and Revision, the petitioner has hastened to this Court.

4. Considering the facts and circumstances of the case, this Court is of the opinion that the petitioner should approach the Appellate Authority prescribed under the Act and the Writ Petition is not maintainable without exhaustion of the effective remedies available under the Act. Accordingly, liberty is granted to the petitioner to approach the appropriate Authority and redress her grievance.

5. With this observation, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

RAP/KPR

To

1. The Trustee cum Inspector,
A/m. Annapuraniyamman Trust,
Mettupalayam Village,
Thiruthuraipoondi Taluk,
Thiruvarur & District.



2. The Superintendent of Police,
Thiruvarur & District.

3. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur & District.

+lcc to Mr.P.Vijendran, Advocate, S.R.No.8577

+lcc to the Government Pleader, S.R.No.8988

W.P.No.7815 of 2011
and M.P.Nos.1 and 2 of 2011

VG-II(CO)
CT 24/02/2021