



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM :

THE HON'BLE MR.JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.9426 of 2022
and
W.M.P.Nos.9169 & 9171 of 2022

H.Ravi

..Petitioner

Vs.

1. The District Collector,
Krishnagiri, Krishnagiri - 635 109.
2. The Revenue Divisional Officer,
Hosur, Krishnagiri - 635 109.
3. The Tahsildar,
Hosur Taluk, Krishnagiri District.

..Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 3rd respondent dated 21.01.2022 and quash the same as illegal, incompetent and ultravires and consequently direct the 3rd respondent to issue patta in petitioner's name for the land comprised in S.No.758/33 to an extent of 200 sq.ft situated at Zu Zu Vadi Village, Hosur Taluk, Krishnagiri District by considering the petitioner's representation dated 19.01.2022 within a time frame.

For Petitioner : Ms.B.Kavya

For Respondents: Mr.A.Selvendran,
Special Government Pleader

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus challenging the orders passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2.Since the petitioner has got remedy by way of an appeal



under Section 10 of the Act before the 1st respondent, the Writ Petition filed by him is not maintainable.

3.The learned counsel for the petitioner submitted that the petitioner would file the appeal challenging the impugned order dated 21.01.2022 within a period of one week.

4.Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents submitted that liberty may be given to the petitioner to challenge the impugned order before the 1st respondent in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the matter, we give liberty to the petitioner to file an appeal under Section 10 of the Tamil Nadu Land Encroachment Act challenging the proceedings of the 3rd respondent dated 21.01.2022 within a period of one week from the date of receipt of a copy of this order, in accordance with law. The respondents are directed to maintain status-quo till the filing of the appeal.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va

To

1. The District Collector,
Krishnagiri, Krishnagiri - 635 109.

2. The Revenue Divisional Officer,
Hosur, Krishnagiri - 635 109.

3. The Tahsildar,
Hosur Taluk, Krishnagiri District.

+lcc to M/s.R.Jayaprakash, Advocate, S.R.No.26041

+lcc to the Government Pleader, S.R.No.26165

W.P.No.9426 of 2022
and W.M.P.Nos.9169 & 9171 of 2022

GSM(CO)

RGA(22/04/2022)