



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.11881 of 2022

and W.M.P.Nos.11314 and 11315 of 2022

A.Jothi

.. Petitioner

vs

1. The District Collector,
Collectorate,
Tiruvannamalai,
Tiruvannamalai District.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Cheyyar,
Tiruvannamalai District.
3. The Tahsildar,
Taluk Office,
Vandavasi,
Tiruvannamalai District - 604 408.
4. The Commissioner,
Vandavasi Municipality,
Vandavasi,
Thiruvannamalai Dt.
5. The Assistant Engineer,
Public Works Department,
Water Resources Division,
Vandavasi,
Tiruvannamalai Dt.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the record of the impugned eviction notice dated 29.03.2022 issued by the 5th respondent and quash the same as null and void, as far as the writ petitioner is concerned.



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For the Petitioner : Mr.T.Thangavel

For the Respondents : Mr.P.Muthukumar
State Govt.Pleader
assisted by Mr.A.Selvendran,
Spl.G.P. for RR.1 to 3
: Mr.L.P.Maurya
Stdg. Counsel for R.4

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed to challenge the eviction notice dated 29.03.2022 issued by the fifth respondent. It is during the pendency of the appeal said to have been sent through post by the petitioner to the appellate authority on 07.04.2022.

2. The learned counsel for the petitioner could not clarify as to how two remedies can be taken simultaneously. When the appeal is pending consideration by the appellate authority against the notice dated 29.03.2022, the writ petition challenging the same notice would not be maintainable.

3. At this stage, learned counsel for the petitioner submits that despite filing of the appeal, it has not been considered by the appellate authority. The statement aforesaid has been made without any pleading to that effect in the affidavit as otherwise no efforts seems to have been made by the petitioner to pursue the appeal, rather it was sent by post and thereupon, there is no request for causing hearing of the appeal. Whether the appeal has been received by the appellate authority is another issue because copy of the appeal has been submitted by the petitioner along with the writ petition, but the endorsement of the receipt does not exist on it.

4. Taking into consideration the overall facts, we are of the view that the present writ petition is not maintainable to challenge the notice dated 29.03.2022 during the pendency of the appeal challenging the same notice.



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The writ petition is, accordingly, dismissed. No costs.
Consequently, W.M.P.Nos.11314 and 11315 of 2022 are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sra

To:

1. The District Collector,
Collectorate,
Tiruvannamalai,
Tiruvannamalai District.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Cheyyar,
Tiruvannamalai District.
3. The Tahsildar,
Taluk Office,
Vandavasi,
Tiruvannamalai District - 604 408.
4. The Commissioner,
Vandavasi Municipality,
Vandavasi,
Thiruvannamalai Dt.
5. The Assistant Engineer,
Public Works Department,
Water Resources Division,
Vandavasi,
Tiruvannamalai Dt.

+1cc to the Government Pleader, S.R.Nos.33614, 33750

W.P.No.11881 of 2022

GPL (CO)
UMA (15/06/2022)