



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2022

CORAM :

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.12661 OF 2022
AND
W.M.P.NO.12109 OF 2022

D.Arul Murugan

... Petitioner

.Vs.

1. The District Collector,
Tiruvallur District,
Master Plan Complex,
NH - 205, Tiruvallur,
Pin - 602 001.

2. The Revenue Divisional Officer,
Near SBI & Post Office,
J.N.Road,
Tiruvallur - 602 001.

3. The Tahsildar,
Taluk Office,
Tiruttani Taluk.

4. R.Renuka

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st to 3rd respondents to not to initiate any action in respect of the petitioner property at No.1/181, Mettu Street, Thozhudavur Village, Chinnammamet Post, Tiruttani Taluk, Tiruvallur District till the disposal of the Appeal No.1450/2022 dated 25.04.2022 filed by the petitioner under Section 10 of Tamil Nadu Land Encroachment Act, 1905 and pending before the second respondent.



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For Petitioner : Mr.M.Jaikumar
For Respondent : Mr.Ravindran
Additional Advocate General
For R1 to R3

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN., J.)

The petitioner suffered an order for removal of the encroachment. Questioning the same, the petitioner filed a writ petition in W.P.No.7110 of 2022, which was dismissed on 19.04.2022 and the petitioner was given liberty to avail the alternative remedy. The petitioner has since filed an appeal before the District Collector, Tiruvallur District, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The appeal is still pending. Meanwhile, this writ petition has been filed. The very filing of the writ petition is misconceived. The petitioner has to necessarily exhaust his remedy before the District Collector, Tiruvallur District. The petitioner is said to have also filed an application for interim relief. The 1st respondent is directed to dispose of the interim application filed by the writ petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

2. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

sra/gba

To

1. The District Collector,
Tiruvallur District,
Master Plan Complex,
NH - 205, Tiruvallur,
Pin - 602 001.



2. The Revenue Divisional Officer,
Near SBI & Post Office,
J.N.Road,
Tiruvallur - 602 001.

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3. The Tahsildar,
Taluk Office,
Tiruttani Taluk.

+lcc to Mr.M.Jaikumar, Advocate, S.R.No.31375
+lcc to the Government Pleader, S.R.No.31503

W.P.NO.12661 OF 2022 AND
W.M.P.NO.12109 OF 2022

AK(CO)
PBS/20/05/2022