



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.13616 of 2022 and
W.M.P.No.12846 of 2022

V.Jayaraman .. Petitioner

Vs

The Block Development Officer
(Village Panchayat)
Kanai Panchayat Union
Villupuram District. .. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the entire records relating to the order dated 09.05.2022 issued under Section 6 of the Land Encroachment Act, 1905 (Act 3 of Chennai) on the file of the respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.J.Ravindran
AAG (Coordination)
Assisted by
Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by
Hon'ble Justice M.S.RAMESH)

As against the present impugned order, Section 10 of the Tamil Nadu Land Encroachment Act, 1905 provides for an appeal.

2. In view of the alternative remedy, it would not be appropriate to take up the present writ petition and adjudicate the same.



3. Nevertheless, if the petitioner is granted a liberty to file an appeal against the present impugned order, the ends of justice would be secured.

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4. In the light of the above discussion, the petitioner is granted liberty to file an appeal against the impugned order dated 09.05.2022 within a period of thirty days from the date of receipt of copy of this order. The petitioner is also at liberty to file an application seeking for interim stay of the present impugned order in the appeal. The appellate authority shall dispose of the said application within a period of three months from the date of receipt of copy of the stay application. Till such disposal, no coercive action shall be taken against the petitioner for eviction.

5. With the above direction, the Writ Petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

kk/drm

To

The Block Development Officer
(Village Panchayat)
Kanai Panchayat Union
Villupuram District.

+1cc to Mr.C.Munusamy, Advocate SR.No.32053

+1cc to Government Pleader SR.No.32084

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AK (CO)
GMY(22/06/2022)