



W.P.No.27875 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.27875 of 2022

P.C.Abraham

.. Petitioner

Vs.

1. The District Collector  
Nilgiris District.

2. The Tahsildar  
Gudalur  
Nilgiris District.

3. The Revenue Inspector  
Gudalur  
Nilgiris District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India  
praying for a writ of Mandamus directing the second respondent to  
pass orders on the appeal of the petitioner dated 05.09.2022.



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For the Petitioner : Mr.S.Gunaseelan

For the Respondents : Mr.J.Ravindran  
Additional Advocate General  
Assisted by  
Mr.A.Selvendran  
Special Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a direction to the second respondent to pass orders on the appeal of the petitioner dated 05.09.2022.

2. The petitioner was issued with notice under Section 7 of the Land Encroachment Act, 1905 by the third respondent and subsequently, was issued with notice under Section 6 of the Act by the second respondent, to which, the petitioner has submitted his reply on 05.09.2022. As no order was passed on the said reply, the petitioner has come up with this writ petition.

3. Learned Additional Advocate General appearing for the respondents submits that if the petitioner is aggrieved by the notice



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under Section 6 of the Act, he ought to have availed the statutory remedy of appeal to the District Collector provided under Section 10 of the Act, instead of approaching the second respondent Tahsildar.

4. In view of the fact that the petitioner has approached this Court, without filing an appeal before the first respondent District Collector against the notice issued under Section 6 of the Act, we are unable to grant the relief as prayed by the petitioner. Accordingly, the writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, WMP No.27168 of 2022 is also dismissed.

(T.R., ACJ.) (D.K.K., J.)  
19.10.2022

Index : Yes/No

kpl

To

1. The District Collector, Nilgiris District.
2. The Tahsildar, Gudalur, Nilgiris District.
3. The Revenue Inspector  
Gudalur, Nilgiris District.



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T.RAJA, ACJ,  
and  
D.KRISHNAKUMAR,J

(kpl)

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