



W.P. No.31147 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.31147 of 2022

Arumugam

... Petitioner

versus

1.The District Collector,
Collectorate Buildings
Tiruvannamalai District

2.The Revenue Divisional Officer,
RDO Office
Chengam Taluk
Tiruvannamalai District

3.The Tahsildar
Taluk office
Chengam Taluk
Tiruvannamalai District

4.The Block Development Officer,
BDO Office
Chengam Taluk
Tiruvannamalai District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a



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Writ of Certiorari calling for the records from the file of the 4th respondent relating to the impugned order dated 31/10/2022 issued under section 6(3) of the Tamil Nadu Land Encroachment Act 1905 alleging that the petitioner has encroached upon 100 sq.mt of the property situate at Survey No.36/3B, Mariamman Koil Street Kannakurukkai, K.K.Nagar, Chengam Taluk, Tiruvannamalai District alleging as water body and the petitioner prays to quash the same.

For the Petitioner	::	Mr.D.Ramesh
For the Respondents	::	Mr.P.Muthukumar, State Government Pleader, for respondents 1 to 4

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed against the proceedings dated 31.10.2022 issued by the fourth respondent under Section 6(3) of the Tamil Nadu Land Encroachment Act, 1905, alleging that the petitioner has encroached upon 100 sq.mt. of the property situate at Survey No.36/3B, Mariamman Koil Street, Kannakurukkai, K.K.Nagar, Chengam Taluk, Tiruvannamalai District.

2. Mr.P.Muthukumar, learned State Government Pleader, submits that as against the notice under Section 6(3) of the Act of 1905, an appeal remedy is available before the District Collector and without availing the same, the



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petitioner has approached this Court.

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3. As rightly pointed out by the learned State Government Pleader, as against the notice issued by the fourth respondent, an appeal lies before the District Collector, under Section 10 of the Act of 1905. Therefore, giving liberty to the petitioner to workout his remedy in the manner known to law, this writ petition is dismissed. There will be no order as to costs. Consequently, WMP No.30580 of 2022 is also dismissed.

(T.R., ACJ.) (D.K.K., J.)
23.11.2022

Index: Yes/No
tar

To

- 1.The District Collector,
Tiruvannamalai District
- 2.The Revenue Divisional Officer,
RDO Office, Chengam Taluk,
Tiruvannamalai District
- 3.The Tahsildar
Taluk Office, Chengam Taluk,
Tiruvannamalai District.
- 4.The Block Development Officer,
BDO Office, Chengam Taluk,

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

(tar)

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