



W.P.No.33295 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.33295 of 2022

R.Sathish

.. Petitioner

Vs.

1. The District Collector
Collectorate Kallakuruchi
Kallakuruchi District.

2. The Tahsildar
Ulundurpettai Taluk
Kallakuruchi Taluk.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the record pertaining to an impugned notice bearing No.Na.Ka.A3/4539/2022 dated 3.11.2022 passed by the second respondent is illegal and quash the same.

For the Petitioner : Mr.G.Ranganathan

For the Respondents : Mr.P.Muthukumar
State Government Pleader



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ORDER
(Made by the Hon'ble Acting Chief Justice)

The petitioner, questioning the notice dated 30.11.2022 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, has come up with this writ petition.

2. Learned State Government Pleader, accepting notice for the respondents, submits that the petitioner has already filed an appeal before the first respondent against the impugned notice and the same is pending.

3. In view of the above, the petitioner cannot invoke Article 226 of the Constitution of India when the appeal preferred against the impugned notice is pending before the first respondent, except to await the orders of the first respondent. Accordingly, the writ petition is dismissed. No costs. Consequently, WMP No.32735 of 2022 is also dismissed.

(T.R., ACJ.) (D.B.C., J.)
12.12.2022

kpl

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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kpl)

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