



W.P.(MD)No.16923 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.16923 of 2022
and
W.M.P.(MD)No.12330 of 2022

M.Muthusamy

... Petitioner

Vs.

1.The District Collector,
Tiruchirapalli District,
Collectorate Buildings, Tiruchirapalli – 620001.

2.The Tahsildhar,
Manapparai Taluk,
Taluk Office, Manapparai Town,
Trichirappalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent dated 21.07.2022 and to quash the same, consequently forbearing the respondents from interfering with the possession and enjoyment of the petitioner in respect of the land in Survey No.1146/4(corresponding old Survey No.1027/1 part) of Kathikaranpatty, K.Periyapatty Village, Manapparai Taluk, Trichirappalli District.



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For Petitioner

: Mr.K.S.Kathiravan

For Respondents

: Mr.J.Ashok,
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Challenging the final order passed by the Tahsildar under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, directing the petitioner to remove the encroachment in respect of a Government poramboke land in Survey No.1146/4 of Kathikaranpatty, K.Periyapatty Village, Manapparai Taluk, Trichirappalli District, the above writ petition is filed.

2. Though the petitioner states that he has purchased certain properties in Survey No.1146/4 corresponding Old Survey number is 1027/1 Part), the question whether the petitioner's case is true or not has not been established by the petitioner in the present proceedings as the petitioner has not produced before this Court any revenue documents except a sale deed and the property tax receipts. Further, the petitioner has an effective alternative



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remedy before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

3. Since the remedy available to the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, is more effective, this writ petition is dismissed with a liberty to the petitioner to approach the appellate authority namely the first respondent District Collector. The first respondent is directed to entertain the appeal in case the petitioner files an appeal within a period of two weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
29.07.2022

Index : Yes / No

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S.S.SUNDAR, J.
and
S.SRIMATHY, J.
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