



W.P(MD)No.28812 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.28812 of 2022
and W.M.P(MD)No.22787 of 2022**

Vijaya

... Petitioner

vs.

1.The District Collector,
Tiruchirappalli District,
Collectorate Building,
Tiruchirappalli – 620 001.

2.The Tahsildar,
Marungapuri Taluk,
Taluk Office, Marungapuri,
Trichirappalli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent dated 14.12.2022 and to quash the same, consequently, forbearing the respondents from interfering with possession and enjoyment of the petitioner in respect of the land in Survey No.394/18 (corresponding old Survey No.136/1) of Alagapuri Village, Marungapuri Taluk, Trichirappalli District.

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For Petitioner : Mr.K.S.Kathiravan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Challenging the eviction notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has filed the present Writ Petition.

2.Mr.K.Balasubramani, learned Special Government Pleader, taking notice for the respondents submitted that the petitioner has got remedy by way of an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and therefore without exhausting the same, this Writ Petition is not maintainable.

3.The learned counsel appearing for the petitioner submitted that the petitioner would challenge the impugned order before the Appellate Authority under Section 10 of the Tamil Nadu Land Encroachment Act within a period of one week.

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4.In view of the submissions made by the learned counsel appearing on either side, the Writ Petition is disposed of giving liberty to the petitioner to challenge the impugned order dated 14.12.2022 under Section 10 of the Tamil Nadu Land Encroachment Act within a period of one week from the date of receipt of a copy of this order. It is also open to the petitioner to file a stay petition under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905 before the Appellate Authority and if such an application is filed by the petitioner, the Appellate Authority shall decide the same on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
22.12.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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