



WP No.6258 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.6258 of 2023

Kousalya

... Petitioner

versus

1.The District Collector,
Tiruppur District.

2.The Assistant Director,
Panchayats, Erode Zone, Erode

3.The Tahsildar,
Palladam, Tiruppur District

4.The Executive Officer,
Samalapuram Town Panchayat,
Samalapuram Village, Palladam Taluk,
Tiruppur District 641 668

5.The Taluk Surveyor,
Office of the Tahsildar,
Palladam, Tiruppur District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records pertaining to the impugned order dated



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11.01.2023 made in Proceedings No.Nil passed by the 3rd respondent and quash the same.

For the Petitioner : Mr.R.Kannan

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 praying for a Writ of Certiorari, calling for records pertaining to the impugned order dated 11.01.2023 in proceedings No.Nil passed by the 3rd respondent and quash the same.

2. Learned counsel for the petitioner submits that notice has been issued to the petitioner alleging that there has been an encroachment in the form of a compound wall in the land covered in S.No.884/1, which is classified as '*vandi pathai*' (cart track). Since the petitioner has nothing to do with the land covered in S.No.884/1 and he is owner of the land in S.No.884/2, the impugned notice ought not to have been issued to him.

3. If the petitioner is not in any way connected with S.No.884/1, and the compound wall has been put up in the patta land in S.No.884/2, the petitioner has



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an efficacious remedy of appeal before the District Collector, as against the impugned order. This writ petition, filed without exhausting the available remedy, cannot be entertained. There is no merit in the writ petition. The writ petition is dismissed. There will be no order as to costs. WMP Nos.6278 and 6281 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
01.03.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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Erode

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

(tar)

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