



WEB COPY



W.P.No.8435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8435 of 2023

K.Mohanabalasubramani @
K.Balasubramaniam

.. Petitioner

Versus

1.The District Collector,
Salem.

2.The Revenue Divisional Officer,
Mettur.

3.The Tahsildar,
Mettur.

4.The Revenue Inspector,
Nangavalli Firka, Mettur Taluk,
Salem District.

5.The Village Administrative Officer,
Surapalli Village,
Mettur Taluk, Salem District.

.. Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorari to call for the records relating to Notice dated 01.09.2022 issued by the fourth respondent under Section 7 of Tamil Nadu Land Encroachment Act, 1905 and the final Notice dated 06.03.2023 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, and quash the said notices in respect of the petitioner's land in S.No.84/1 (New S.No.438/1) measuring about 7505¼ sq.ft. in Surpalli Village, Salem District.

For Petitioner : Mr.P.Jagadeesan

For Respondents : Mr.P.Muthukumar, State Govt. Pleader



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THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

ORDER

(Order of the Court was delivered by The Hon'ble Acting Chief Justice)

Questioning the final notice dated 06.03.2023 issued by the Tahsildar, Mettur/third respondent herein under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (in short “the Act”), the petitioner has filed this writ petition, instead of availing the efficacious appeal remedy available under Section 10 of the Act before the District Collector concerned. Therefore, since there is an alternative remedy available under Section 10 of the Act, the present writ petition filed invoking Article 226 of the Constitution of India cannot be entertained and accordingly, giving liberty to file an appeal before the District Collector under Section 10 of the Act, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

(T.R., ACJ.) (D.B.C., J.)
17.03.2023

rkm

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