



WP No.10455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.10455 of 2023

Renganathan

... Petitioner

versus

1.The District Collector,
Mayiladuthurai District

2.The Revenue Divisional Officer,
Mayiladuthurai Revenue Division,
Mayiladuthurai Town,
Mayiladuthurai District

3.The Tahsildar,
Mayiladuthurai Taluk
Mayiladuthurai District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the 2nd respondent in his proceeding No.Na.Ka.3312/2022/Aa1 dated 12.01.2023 and consequential notice issued by the 3rd respondent in Na.Ka.No.1894/2022/Aa3 dated 27.01.2023 and 10.02.2023 and quash the same.

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For the Petitioner : Mr.Amar D.Pandiya
For the Respondents : Mr.P.Muthukumar,
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed challenging the impugned order passed by the Revenue Divisional Officer, Mayiladuthurai Revenue Division, Mayiladuthurai District, the second respondent herein, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. According to learned counsel for the petitioner, the petitioner has already filed an appeal under Section 10 of the Act of 1905 and the same is pending. In spite of the pendency of the appeal, the respondents are causing disturbance to the petitioner.

3. The petitioner has got a statutory alternative remedy before the District Collector, Mayiladuthurai District, under Section 10 of the Act of 1905. Therefore, he is not expected to invoke the extraordinary jurisdiction of this court under Article 226 of the Constitution of India. Although the petitioner claims to have filed an appeal under Section of



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the Act, it is only a legal notice dated 17.02.2023. Therefore, the petitioner is directed to file an appeal under Section 10 of the Act, if so advised.

4. The writ petition is dismissed. There will be no order as to costs. Consequently, WMP Nos.10404 and 10405 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
05.04.2023

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

To

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Mayiladuthurai District



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

(tar)

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