



W.P.No.11500 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.11500 of 2023

N.Manoharan

.. Petitioner

Vs

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Block Development Officer (Va.Oo)
B.D.O. Office, Peranamallore,
Chetpet Taluk,
Tiruvannamalai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to consider the petitioner's explanation dated 29.03.2023, consequently direct the second respondent to struck down in his proceedings in Na.Ka.Va.a.2798/2021 dated .03.2023 in the year 1905 III schedule under section 6 of encroachment eviction notice against house building.



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For the Petitioner : Mr.T.V.G.Kartheeban

For the Respondents : Mr.J.Ravindran
Addl. Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent No.1

: Mr.P.Muthukumar
State Government Pleader
for respondent No.2

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

N.Manoharan, son of Natesan, a resident of No.57, Arisana Colony, Nalladisenai Village, Chetpet Taluk, Tiruvannamalai District, has filed this writ petition for issuance of a writ of mandamus directing the second respondent to consider his explanation dated 29.3.2023 and to direct the second respondent to struck down his proceedings in Na.Ka.Va.A3/2798/2021 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [for short, "*the Act of 1905*"].



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2. Mr.T.V.G.Kartheeban, learned counsel appearing on behalf of the petitioner, would submit that the petitioner is in possession and enjoyment of the land in question for more than 30 years and is paying appropriate tax to the Government. He has also obtained electricity service connection for his house. While so, the second respondent issued notice under Section 6 of the Act of 1905 on 20.03.2023 requiring the petitioner to vacate from the land in question. He would submit that on 29.3.2023, the petitioner has submitted an explanation to the notice dated 20.03.2023 issued by the second respondent. However, without considering the explanation given by the petitioner, the respondent authorities are trying to evict the petitioner from the land in question. Therefore, the petitioner has been advised to file this writ petition.

3. A perusal of the prayer made in the writ petition shows that the petitioner has also sought to struck the notice dated 20.3.2023 issued under Section 6 of the Act of 1905. If the petitioner is aggrieved by the issuance of notice under Section 6 of the Act of 1905, the remedy by way of a statutory appeal lies before the first



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respondent/District Collector under Section 10 of the Act of 1905.

Without exhausting such appellate remedy available, the present writ petition is not maintainable.

4. For the foregoing reason, the writ petition is dismissed. However, liberty is granted to the petitioner to avail the statutory appellate remedy available to him. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
17.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Block Development Officer (Va.Oo)
B.D.O. Office, Peranamallore,
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