



WEB COPY



WP No.17664 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.17664 of 2023

C.Ananda Sekaran

.. Petitioner

versus

The Principal (Grade I)
Arignar Anna Government Arts College,
Cheyyar 604 407
Tiruvannamalai District

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent pertaining to the impugned notice in Na.Ka.No.100/00/ 2021 dated 17.05.2023 and quash the same and further direct the respondent to construct the compound wall of the college in a straight line.

For the Petitioner : Mr.S.Mukunth,
Senior Counsel,
for Mr.D.Babu Varadharajan

For the Respondent : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mr.K.M.D.Muhilan,
Additional Government Pleader



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ORDER

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We have heard Mr.S.Mukunth, learned Senior Counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondent.

2. The petitioner challenges the notice dated 17.05.2023 issued by the respondent/Principal of the college.

3. Learned Senior Counsel for the petitioner submits that the Principal of the college cannot exercise power and authority under the provisions of the Tamil Nadu Land Encroachment Act, 1905. In case it is a Government college, then the said college is required to adopt the procedure as provided under the Public Premises Eviction Act. The impugned notice does not suggest under what provision the notice has been issued. The notice states that the construction of the petitioner to be removed or else action would be taken by the Government.

4. Learned counsel for the petitioner fairly submitted that the



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petitioner has filed a civil suit in the year 2020. However, the same has been dismissed for non-prosecution. The petitioner has filed an application for restoration of the suit and the said application is coming up for hearing on 20.06.2023. The petitioner, by way of abundant caution, has also filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

5. The petitioner cannot have multiple proceedings.

6. The civil suit filed by the petitioner has been dismissed for non-prosecution. The application filed by the petitioner for restoration of the suit is pending. The petitioner has got avenues available to seek appropriate relief in the said proceedings.

7. The presumption is that the Government authorities/ Government bodies would perform the act in a lawful manner. We cannot presume that the respondent would perform an unlawful act. The presumption is that lawful procedure would be followed.

8. As the petitioner has already availed the proceedings and, or, the petitioner has got remedy available against the notice, which



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is not an order, it would not be appropriate to entertain the present
Writ Petition.

9. With the aforesaid observations, the Writ Petition is disposed
of. There will be no order as to costs. Consequently, WMP No.16762
of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(tar)

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