



WEB COPY

W.P.No.22904 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.22904 of 2019
and
WMP.No.22536 of 2019

R.Subbulakshmi

..

Petitioner

..VS..

1. The District Collector,
Erode District.

2. The Commissioner,
Erode Corporation,
Erode.

3. The Assistant Commissioner
Zone-IV, Erode Corporation
Erode.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records on the file of the 2nd respondent in relation to eviction order dated 13.07.2019 passed under Section 6 of the Tamil Nadu Land Encroachment Act 1905, in respect of the petitioner's housing property situate in Site



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No.46, bearing Door No.64, Poyyerkkarai Street, Gandhiji Road, Erode 638 001,
located in Ward-E, Block-21, comprising in T.S.No.27/3 of Erode Town, quash the
same.

For Petitioner : Mr.P.Vetrivel
for Mr.B.Mohan

For Respondents : Mr.J.Ravindran
Additional Advocate General,
Assisted by
Mr.A.Selvendran (R1)
Special Government Pleader
Mr.Rajamathivanan (R2)

ORDER

(Order of this Court was made by ***S.VAIDYANATHAN, J***)

This Writ Petition has been filed challenging the eviction order dated 13.07.2019 passed by the 2nd respondent under Section 6 of the Tamil Nadu Land Encroachment Act 1905, in respect of the petitioner's housing property situate in Site No.46, bearing Door No.64, Poyyerkkarai Street, Gandhiji Road, Erode 638 001, located in Ward-E, Block-21, comprising in T.S.No.27/3 of Erode Town, quash the same.



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2. During the pendency of the Writ Petition, the Petitioner moved the Appellate authority viz., the District Collector under Section 10 of the Tamil Nadu Encroachment Act, 1905 (in short 'the Act'), challenging the notice issued under Section 7 of the Act and the Appellate authority dismissed the Appeal on the ground of delay vide order dated 09.06.2022.

3. A reading of entire Section would reveal that the Appellate authority has got powers. Since the order of the original authority got merged with the Appellate authority, the Writ Petitioner has to challenge the same and we are not inclined to grant any relief in this Writ Petition.

In view of the same, this Writ Petition stand closed with liberty to the petitioner to challenge the order of the Appellate authority before the appropriate forum, in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [K.R.S., J]
06.11.2023

Index: Yes / No
arr



W.P.No.22904



**S.VAIDYANATHAN,J
and
K.RAJASEKAR, J**

arr

To

1. The District Collector,
Erode District.
2. The Commissioner,
Erode Corporation,
Erode.
3. The Assistant Commissioner
Zone-IV, Erode Corporation
Erode.

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