



W.P.Nos.24869, 24873 & 24877 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM :

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

AND

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

W.P.Nos.24869, 24873 & 24877 of 2023

P.Senthil Kumar	..	Petitioner in WP No.24869/23
P.Damodaran	..	Petitioner in WP No.24873/23
S.Krishnan	..	Petitioner in WP No.24877/23

Vs.

1. The District Collector
Tiruvallur District Collector Office
Tiruvallur 602 024.
2. The Revenue Divisional Officer
SP Nagar, Kakkalur
Tiruvallur 602 003.
3. The Tahsildar
Avadi Taluk Office
Spurtank Road
Avadi, Chennai 600 054.



W.P.Nos.24869, 24873 & 24877 of 2023

4. The Member Secretary
CMDA, Egmore
Chennai 600 008.

.. Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India seeking a writ of Certiorari calling for the records of the second respondent in Proceedings No.Na.Ka.350/2023/Aa1 dated 20.07.2023 in respect of the petitioner lands to an extent of 3 acres of lands comprised in S.Nos.9/3, 10/1, 10/2 & 11/5, 46 cents in S.No43/1B and 47 cents in S.No.43/1A respectively situated at Karunagaracheri Village, Avadi Taluk, Tiruvallur District and quash the same as illegal.

For the Petitioners : Mr.P.Rajendra Kumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by
Mr.K.M.D.Muhilan
Additional Government Pleader
for Respondents 1 to 3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Rajendra Kumar, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents 1 to 3



W.P.Nos.24869, 24873 & 24877 of 2023

WEB COPY

2. The petitioners are challenging the notice issued under Section 3 of the Tamil Nadu Irrigation Works (Construction of Field Bothies) Act, 1959.

3. The notice itself states that the petitioners have a remedy of appeal before the District Collector under Section 4 of the said Act.

4. Learned counsel for the petitioners submits that by way of abundant caution, the petitioners have filed appeals. However, as the authority issuing the said notice does not possess the jurisdiction, the present writ petitions are filed.

5. Once the petitioners have already filed statutory appeals under the Act, the present writ petitions ought not to have been filed, nor the same can be entertained. The petitioners can raise all the defences available to them before the appellate authority where the appeals are filed and pending. Naturally, the grounds raised by the present petitioners will have to be considered by the appellate



W.P.Nos.24869, 24873 & 24877 of 2023

WEB COPY authority, while deciding the appeals.

6. The writ petitions are, accordingly, disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.24291, 24295 and 24298 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

24.08.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
Tiruvallur District Collector Office
Tiruvallur 602 024.
2. The Revenue Divisional Officer
SP Nagar, Kakkalur, Tiruvallur 602 003.
3. The Tahsildar
Avadi Taluk Office
Spurtank Road, Avadi, Chennai 600 054.
4. The Member Secretary
CMDA, Egmore, Chennai 600 008.



WEB COPY



W.P.Nos.24869, 24873 & 24877 of 2023

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

(kpl)

W.P.Nos.24869, 24873 &
24877 of 2023

24.08.2023