



WEB COPY



W.P.No.30836 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**
AND
THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.30836 of 2023
and
W.M.P.Nos.30503 & 30504 of 2023

Sanmugam

.. Petitioner

VS

1.The District Collector,
Tiruppur District Collectorate,
Tiruppur – 641 604.

2.The Tahsildar,
Taluk Office, Avinashi,
Tiruppur District.

3.The Revenue Inspector
Avinashi (West),
Taluk Office, Avinashi,
Tiruppur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus calling for the
records of the 2nd respondent in the order in
Na.Ka.No.2083/2023/A6 dated 04.09.2023 and quash the same and
direct the respondents to restrain from evicting the petitioner



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forcefully from his land in survey no.552 in Vettuvapalayam Village,
Avinashi Circle, Tiruppur District .

For Petitioner : Mr.R.John Joseph
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by D.BHARATHA CHAKRAVARTHY.,J)

This writ petition is filed challenging the order dated 04.09.2023 passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. The petitioner has an effective alternative remedy by way of appeal under Section 10 of the Act.

3. However, learned counsel for the petitioner submits that already electricity connection has been disconnected and, therefore, he apprehends threat of dispossession imminently.

4. Considering the same, we are inclined to dispose of the writ petition on the following terms:-



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(i) The writ petition is dismissed with liberty to the petitioner to file an appeal before the first respondent / District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

(ii) The respondents shall maintain status quo as on today for a period of one week and the petitioner will be entitled to move such interim relief before the District Collector, in the manner known to law.

No costs. Connected miscellaneous petitions are closed.

(D.B.C.,J) (V.L.N.,J)
26.10.2023

Index:Yes/No
Neutral Citation:Yes/No
mmi/ssm

To

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D.BHARATHA CHAKRAVARTHY.,J
AND
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