



W.P.(MD)No.4016 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.4016 of 2023

Periyasamy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Tahsildar,
Thiruchuli Taluk Office,
Thiruchuli,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice by the 2nd respondent dated 10.02.2023 to the petitioner and quash the same.



W.P.(MD)No.4016 of 2023

WEB COPY

For Petitioner : Mrs.Vijakumari Natarajan

For Respondents : Mr.P.T.Thiraviyam,
Government Advocate.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned notice issued by the 2nd respondent dated 10.02.2023, the petitioner has filed this Writ Petition.

2. Heard Mrs.Vijakumari Natarajan, learned counsel for the petitioner and Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for the respondents.

3. By consent, this Writ Petition is taken up for final disposal.

4. The learned counsel appearing for the petitioner submitted that the petitioner has made objections to the earlier notice dated 19.01.2023 issued by the 2nd respondent. However, without considering such objections, the 2nd



W.P.(MD)No.4016 of 2023

WEB COPY

respondent has passed the impugned eviction notice dated 10.02.2023 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Hence, the petitioner has filed this Writ Petition.

5. The learned Government Advocate appearing for the respondents submitted that as against the impugned order dated 10.02.2023 issued by the second respondent, the petitioner is having an appeal remedy before District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and without resorting such remedy, the petitioner has approached this Court. Hence, this Writ Petition is liable to be dismissed.

6. We are in agreement with the submission made by the learned Government Advocate appearing for the respondents that as against the impugned order dated 10.02.2023, issued by the second respondent, the petitioner is having an appeal remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the District Collector. Therefore, we direct the petitioner to file an appeal before the District Collector, viz., the first respondent



W.P.(MD)No.4016 of 2023

WEB COPY

herein, as against the impugned order dated 10.02.2023, within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the same, the District Collector is directed to pass orders on the said appeal on merits and in accordance with law, as early as possible.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [L.V.G., J.]
27.02.2023

NCC : Yes / No
Index : Yes / No
vsm



WEB COPY



W.P.(MD)No.4016 of 2023

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Tahsildar,
Thiruchuli Taluk Office,
Thiruchuli,
Virudhunagar District.



WEB COPY



W.P.(MD)No.4016 of 2023

D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

vsm

W.P.(MD)No.4016 of 2023

27.02.2023