



W.P.(MD)No.4885 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.4885 of 2023

and

W.M.P(MD)No.4570 of 2023

Velmurugan

: Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai, Madurai District.

2.The Tahsildar,
Office of the Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Revenue Inspector,
Office of the Revenue Inspector,
Nirothan Sub Division,
Vadipatti Taluk,
Madurai District.

: Respondents



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PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records connected with the impugned eviction notice dated 27.02.2023 issued by the respondent No.2 and quash the same as illegal, consequently, to direct the respondents to revise the FMB in Kulasekarankottai Village, Vadipatti Taluk, Madurai District on the basis of the explanation submitted by the petitioner before the respondent No.2, in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.C.Ezilarasan for
M/s S.Abdul Rahuman

For Respondents : Mr.A.Bakaran
Addl. Govt. Pleader

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J)

Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The order under challenge is passed by the Tahsildar, Vadipatti under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.



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3. A Reading of the order reveals that the petitioner was given an opportunity of hearing prior to the impugned order. Section 10 of the Tamil Nadu Land Encroachment Act, 1905 provides for an appeal against the order of Tahsildar to the District Collector. Section 10B empowers the District Collector to grant stay of execution of the order passed by the Tahsildar pending appeal. Hence, we do not think that we can entertain the writ petition when an alternative remedy is available to the petitioner under the provisions of the Land Encroachment Act.

4. This writ petition, therefore, is dismissed with liberty to the petitioner to approach the District Collector by way of an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. No costs. Consequently, connected miscellaneous petition is also dismissed.

[R.S.M., J.] & [L.V.G., J.]
07.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

Note: Registry is directed to return the original impugned order filed by the petitioner to the learned counsel for the petitioner to enable him to file an appeal.

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AND

L.VICTORIA GOWRI.,J

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