



W.P.(MD) No.13178 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.13178 of 2023

and

W.M.P.(MD) Nos.11141 & 11142 of 2023

A.Kalaiyappan

... Petitioner

-VS-

- 1.The District Collector
Office of the Collectorate
Sivagangai
- 2.The Thasildar
Taluk Office
Ilayangudi, Sivagangai District
- 3.The Block Development Officer
Block Development Office
Ilayangudi Taluk, Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order passed by the second respondent vide his proceeding in RF.XIV.O-1.2,26,206-MDU on 02.06.2023 and quash the same as illegal.



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For Petitioner : Mr.D.Senthil

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.V.Nirmal Kumar
Government Advocate for R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Admittedly, there is a remedy of appeal available to the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. However, without exhausting the appeal remedy, the petitioner has rushed to this Court.

2. Considering the fact that the petitioner has constructed a small bathroom in the area, this writ petition is dismissed with liberty to the petitioner to approach the Appellate Authority, namely, the District Collector, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The District Collector is required to entertain the appeal filed by the petitioner, if it is filed within a period of fifteen days from today, without insisting on limitation and dispose of the same on merits and in accordance with law,



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within a period of twelve weeks thereafter. Till such time, the possession of the petitioner shall not be disturbed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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- 2.The Thasildar,
Taluk Office,
Ilayangudi,
Sivagangai District.
- 3.The Block Development Officer,
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