



W.P.No.11992 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11992 of 2024

Chinnasamy

.. Petitioner

Vs.

1. The Sub-Collector
Sub-Collectorate Office
Mettur Circle, Mettur.

2. The Tahsildar
Tahsildar Office
Mettur Taluk, Mettur
Salem District.

3. N.Jayanthi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the 1st respondent to decide the petitioner's appeal dated 12.02.2024 on merits as expeditiously as possible.



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For the Petitioner : Mr.S.Nagarajan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.Habeeb Rahman
for R1 and R2

Mr.A.Kumar
for R3

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.S.Nagarajan, learned counsel for the petitioner,
Mr.A.Edwin Prabakar, learned State Government Pleader assisted by
Mr.Habeeb Rahman, learned counsel for respondent Nos.1 and 2 and
Mr.A.Kumar, learned counsel for respondent No.3.

2. Learned counsel for the petitioner submits that the petitioner has filed an appeal against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 [in short, "the Act of 1905"] before the first respondent and the first respondent may be directed to decide the said appeal.

3. Learned State Government Pleader submits that the appeal



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under Section 10 of the Act of 1905 would lie before the District Collector and not before the Sub-Collector and the petitioner has not filed the appeal before the District Collector.

4. Learned counsel appearing for the third respondent submits that the petitioner has already filed a civil suit in respect of the same and the said fact is not disclosed.

5. Be that as it may, against the order passed under Section 6 of the Act of 1905, the petitioner has the remedy to file an appeal under Section 10 of the Act of 1905, however, the said appeal lies before the District Collector. If an appeal is filed by the petitioner, the District Collector shall decide the said appeal on its own merits and in accordance with law after hearing all the parties concerned. The District Collector shall also consider all the relevant aspects of the matter.



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WEB COPY 6. The writ petition, accordingly, stands disposed of. There shall be no order as to costs.

(S.V.G., C.J.)

(J.S.N.P., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(drm)

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