



WEB COPY



W.P.No.26.....

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.26538 of 2024 and
W.M.P.Nos.29035 & 29038 of 2024

Valliyammal

... Petitioner

-VS-

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur District.
3. The Tahsildar,
Avinashi Taluk,
Tiruppur District.
4. The Revenue Inspector,
Avinashi Taluk,
Tiruppur District.
5. The Village Administrative Officer,
Kuttagam Village,
Avinashi Taluk,
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the proceedings of the 4th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated



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05.07.2024 and also to call for the proceedings of the 3rd respondent in Na.Ka.2123/2024/A6 dated 27.08.2024 issued under Section 6 of Tamil Nadu Land Encroachment Act, 1905 and quash both proceedings as illegal, incompetent and ultra vires.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed, seeking to quash the proceedings of the 4th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 05.07.2024 and also to call for the proceedings of the 3rd respondent in Na.Ka.2123/2024/A6 dated 27.08.2024 issued under Section 6 of Tamil Nadu Land Encroachment Act, 1905, by which, while granting patta for a small portion of the land of the petitioner, notice was issued to the petitioner to show cause as to why levy should not be levied on her or evicted from the land.

2. Mr.A.Edwin Prabakar, learned State Government Pleader takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal.



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3. When the matter is taken up for hearing, it is represented by the learned State Government Pleader that action for removal of the encroachment has been taken under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and the petitioner has remedy under Section 10 of the Act, 1905 to prefer an appeal. It is further represented that the petitioner, without exhausting the said remedy, has straightaway approached this Court against the impugned notices.

4. In view of the above submission, we are of the view that when an alternative remedy is available to the petitioner, it is impermissible for the petitioner to approach this Court by invoking Article 226 of the Constitution of India without exhausting the alternative remedy. We do not find any infirmity in the issuance of notices against the petitioner and the Writ Petition is liable to be dismissed.

5. Accordingly, ***this Writ Petition is dismissed.*** Two weeks' time is granted to the petitioner to file an appeal before the Appellate Authority. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,ACJ.]

[P.B.B.,J.]

09.09.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,
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To:

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Tiruppur.
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