



W.P.(MD) No.347 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.347 of 2024
and W.M.P.(MD) Nos.344 and 345 of 2024**

Sebasthiyan

... Petitioner

-VS-

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai Regional Revenue Office,
Sivagangai Town,
Majith Road,
Sivagangai.
- 3.The Tahsildar,
Taluk Office,
Kalaiyarkovil Taluk,
Sivagangai District.
- 4.The Zonal Deputy Tahsildar,
Kalaiyarkovil,
Sivagangai District.



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5.The President,
Paruthikanmai Panchayat,
Kalaiyarkovil Taluk,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned Notice dated 12.12.2023, issued by the 3rd Respondent and quash the same.

For Petitioner : Mr.L.Chandrasekaran

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader for R1 to R4

Mr.T.Amjadkhan,
Government Advocate for R5

ORDER

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

This Writ Petition has been filed challenging the Notice dated 12.12.2023, issued by the 3rd Respondent, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.



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3. According to the petitioner, the third respondent has issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and again issued the impugned notice under Section 6 of the Act. Further, according to the petitioner, the property in question i.e., S.No.62/3, Paruthikanmai Village, Kalaiyarkovil Taluk, Sivagangai District, has been classified as Government Poramboke Land and the petitioner has put up a shed and fence and he has been in possession and enjoyment of the same right from their ancestors and they are not aware of the classification of the property as Government Poramboke.

4. We have considered the submissions made on both sides and perused the materials produced before this Court.

5. The petitioner has challenged the impugned notice under Article 227 of the Constitution of India, when there is an efficacious alternative remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 to file an appeal and without exhausting the said remedy, the petitioner has filed this Writ Petition.



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6. In view of the above, the Writ Petition is dismissed with liberty to the petitioner to prefer an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of two weeks from the date of receipt of a copy of this order. Registry is directed to return the original notice to the petitioner, after replacing the same with a xerox copy. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[D.K.K., J.] [R.V., J.]
09.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

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- 4.The Zonal Deputy Tahsildar,
Kalaiyarkovil,
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- 5.The President,
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