



W.P.(MD) No.502 of 2024

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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.502 of 2024
and
W.M.P. (MD) No.530 of 2024**

T.Thiyagarajan

... Petitioner

-VS-

1. The District Collector,
District Collector's Office,
Karur District.
2. The Tahsildar,
Taluk Office,
Krishnarayapuram,
Karur District.
3. The District Revenue Officer,
D.R.O. Office,
Kulithalai,
Karur District.
4. The Executive Officer,
Krishnarayapuram Municipal Office,
Krishnarayapuram,
Karur District.

... Respondents



W.P.(MD) No.502 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to 2nd respondent proceeding made in Na.Ka.A2/3352/2023 dated 03.01.2024, quash the same as illegal.

For Petitioner : Mr.R.Sakthivel

For Respondents : Mr.S.P. Maharajan
Special Government Advocate

ORDER

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

This Writ Petition has been filed challenging the impugned proceedings passed by the 2nd respondent under Section 6 of the Land Encroachment Act in Na.Ka.A2/3352/2023 dated 03.01.2024.

2. According to the petitioner, after receiving notice issued under Section 7 of the Land Encroachment Act, he has made an objection to the respondent on 19.09.2023 to the Tahsildar claiming right over the property and without considering the said objection, the impugned proceedings have been passed and therefore, the same is liable to be quashed.

3. The learned Special Government Pleader appearing for the



W.P.(MD) No.502 of 2024

WEB COPY

respondents would submit that after issuance of Show Cause Notice under Section 7 of the Land Encroachment Act, the impugned notice under Section 6 of the said Act has been served to the petitioner. He would submit that pursuant to issuance of Show Cause Notice under Section 7 of the Land Encroachment Act, if the petitioner has sent objection dated 19.09.2023 through Registered Post with acknowledgement, he would have filed postal acknowledgement, but, he has only annexed a copy of the objection dated 19.09.2023 in the typed set of papers. He would also submit that the petitioner without exhausting the appeal remedy directly approached this Court and he prays for dismissal of this petition.

4. In view of the submission of the learned Special Government Pleader that there is appeal remedy available to the petitioner and without exhausting the same, the petitioner has filed the present Writ Petition, we are not inclined to allow this Writ Petition. The petitioner can workout his remedy before the appellate authority under the relevant provisions of law.



W.P.(MD) No.502 of 2024

WEB COPY

5. In the result, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

09.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To:

1. The District Collector,
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2. The Tahsildar,
Taluk Office,
Krishnarayapuram,
Karur District.
3. The District Revenue Officer,
D.R.O. Office,
Kulithalai,
Karur District.
4. The Executive Officer,
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D.KRISHNAKUMAR, J.
and



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R.VIJAYAKUMAR, J.

CM

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and
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