



W.P.(MD) No.2658 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM:

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

**W.P.(MD) No.2658 of 2024
and W.M.P.(MD) No.2666 of 2024**

Pandi

... Petitioner

-VS-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the 2nd respondent in Na.Ka.No.A5/6533/2023 dated 14.12.2023 and quash the same and consequently direct the respondents not to disturb the petitioner's peaceful possession and enjoyment of the property in Survey No.235/3D, 3E and 3F situated at Kalimankundu Group & Village, Thirupullani Circle, Keelakarai Taluk, Ramanathapuram District.



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For Petitioner : Mr.R.Jothivel

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

ORDER

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

This Writ Petition has been filed challenging the Notice issued by the 2nd respondent in Na.Ka.No.A5/6533/2023 dated 14.12.2023, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and consequently, to direct the respondents not to disturb the petitioner's peaceful possession and enjoyment of the property in Survey No.235/3D, 3E and 3F situated at Kalimankundu Group & Village, Thirupullani Circle, Keelakarai Taluk, Ramanathapuram District.

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

3. According to the petitioner, the second respondent has issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and



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again the 2nd respondent issued the impugned notice under Section 6 of the Act.

Further, according to the petitioner, he purchased the property in question in the year 1995 and is enjoying the same by cultivating Coconut trees etc. Hence, the Writ Petition.

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

5. The petitioner has challenged the impugned notice under Article 226 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 before the District Collector and without exhausting the said remedy, the petitioner has filed this Writ Petition.

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



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petitioner, after replacing the same with a xerox copy. No costs. Consequently,
connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
08.02.2024

Index : Yes / No

Internet : Yes / No

SJ

To

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Ramanathapuram District,
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2.The Tahsildar,
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