



W.P.(MD) No.1586 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.1586 of 2024

and

W.M.P.(MD)No.1603 of 2024

Kombaiah

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Revenue Divisional Officer,
Palayamkottai Division,
Tirunelveli District.

3.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

4.The Village Administrative Officer,
Krishnapuram, Palayamkottai Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned eviction notice passed by the 3rd respondent in Na.Ka.Aa6/1803/2023 dated 22.01.2024



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and quash the same as illegal and consequently, to direct the respondents not to evict the petitioner's temple except under due process of law.

For Petitioner : Mr.V.M.Jegadeesha Pandian

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate

ORDER

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

Challenging the eviction notice passed by the 3rd respondent dated 22.01.2024, this Writ Petition is filed with a consequential direction to the respondents not to evict the petitioner's temple except under due process of law.

2.A perusal of the impugned eviction notice dated 22.01.2024 clearly shows that already the petitioner has been served with the notices under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905, however, the petitioner without challenging the said notices, straight away challenged the consequential eviction notice dated 22.01.2024. It is to be noted further that though the petitioner has efficacious remedy of filing an appeal before the District Collector, Tirunelveli under the provisions of the Tamil Nadu Land Encroachment Act, 1905, without exhausting the said remedy, he has filed this Writ Petition.



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3. In view of the above, we are not inclined to entertain this Writ Petition, accordingly, the same is dismissed with liberty to the petitioner to workout his remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
27.02.2024

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

Yuva

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
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Tirunelveli District.
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AND

R.VIJAYAKUMAR, J.

Yuva

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