



W.P.(MD) No.1957 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM:

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

**W.P.(MD) No.1957 of 2024
and W.M.P.(MD) No.1979 of 2024**

T.Velraj

... Petitioner

-vs-

- 1.The District Collector,
Tirunelveli District,
Collectorate,
Tirunelveli – 627 009.
- 2.The Tahsildar,
Radhapuram Taluk,
Radhapuram – 627 111,
Tirunelveli District.
- 3.Zonal Deputy Tahsildar - II,
Radhapuram Taluk,
Radhapuram – 627 111.
- 4.The Revenue Inspector,
Pazhavor Firka,
Radhapuram Taluk,
Radhapuram – 627 111.



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5.B.Ponnaiah

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order dated 05.01.2024 issued by the 2nd respondent in Proceedings No.Nil and quash the same.

For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4

ORDER

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

This Writ Petition has been filed challenging the Notice dated 05.01.2024 issued by the 2nd 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. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the 5th respondent also, notice to the 5th respondent is dispensed with.



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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 the 2nd respondent issued the impugned notice under Section 6 of the Act. Further, according to the petitioner, he and his brother Singaraj have purchased the property in question in S.No.156/8, Ambalavanapuram Village, Radhapuram Taluk, Tirunelveli District and have been enjoying the same by putting up two residential houses. They have also obtained joint patta in their names and also obtained electricity connections. 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.



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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 Petition is closed.

[D.K.K., J.] [R.V., J.]
01.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

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4.The Revenue Inspector,
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