



W.P.(MD) No.4420 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.4420 of 2024

and

W.M.P.(MD)No.4248 of 2024

R.Murugan

... Petitioner

-Vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai District.

3.The Tahsildar/Monitoring Committee,
Thirumangalam Taluk,
Madurai District.

4.Udhayasuryan

...Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.6088/2022/A5 dated 05.02.2024 passed by the third respondent and quash the same as illegal and consequently direct the third respondent not to interfere with the petitioner's peaceful possession of the Village Natham vacant land in S.No.88/2, situated at Chithalai Village, Thirumangalam Taluk, Madurai District.

For Petitioner : Mr.M.Prabu
For R1 to R3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

Against the eviction notice issued by the second respondent, the petitioner is before this Court.

2.The petitioner claims to be the owner of S.No.88/10 at Chithalai Village, Thirumangalam Taluk, Madurai District. The said land is classified as Natham in the revenue records. Patta also stands in the name of the petitioner's mother. The petitioner constructed a roofed house and he is in possession and enjoyment of the same for more than 25 years. The petitioner has not encroached upon the



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Government land. However, the third respondent had issued the impugned eviction notice considering the petitioner as an encroacher. He would further submit that the third respondent is not the competent authority to issue the impugned notice. Hence, the same has to be set aside.

3.The learned Special Government Pleader appearing for the official respondents submits that the property in question belongs to the Government and hence, notice under Section 7 of the Land Encroachment Act has been issued after considering the objections /explanation made by the petitioner. He further submits that there is an alternative appeal remedy under Section 10 of the Land Encroachment Act before the first respondent.

4.Admittedly, the petitioner is having an effective appeal remedy before the first respondent under Section 10 of the Land Encroachment Act. Without advertng to the same, the petitioner has filed the writ petition, which is not maintainable and this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is **dismissed**. It is open to the petitioner to file an appeal before the first respondent along with all necessary documents. It is also



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open to the petitioner to seek for an interim arrangement. If such an appeal is filed, the first respondent shall consider the same and pass appropriate orders 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
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To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai District.
- 3.The Tahsildar/Monitoring Committee,
Thirumangalam Taluk,
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AND

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