



W.P.(MD)No.4997 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.4997 of 2024

and

W.M.P.(MD)No.4780 of 2024

T.Tharmaraj

: Petitioner

Vs.

1.The District Collector,

Tirunelveli District.

2.The Block Development Officer,

Melaneelatha Nallur,

Tirunelveli District.

3.The Tahsildar,

Sankarankovil Taluk,

Tirunelveli District.

4.The Village Administrative Officer,

Kulasekaramangalam Village,

Sankarankovil Taluk,

Tirunelveli District.



W.P.(MD)No.4997 of 2024

WEB COPY

5.The President,

Kulasekaramangalam Panchayat,

Sankarankovil Taluk,

Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records pertaining to the impugned proceedings by the third respondent dated 16.02.2024 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Mathava Selvam

For Respondents 1 & 3 : Mr.N.Satheesh Kumar

Additional Government Pleader

For Respondents 2 & 4 : Mr.T.Amjad Khan

Government Advocate

O R D E R

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

The present Writ Petition has been filed seeking to quash the impugned proceedings of the third respondent dated 16.02.2024.

2.Heard Mr.R.Mathava Selvam, learned Counsel appearing for the petitioner, Mr.N.Satheesh Kumar, learned



W.P.(MD)No.4997 of 2024

Additional Government Pleader appearing for the respondents 1 & 3 and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 2 & 4.

3.The impugned notice has been issued under Section 6 of the 'Land Encroachments Act, 1905' [hereinafter 'the Act' for brevity]. The remedy available to the petitioner is to file an appeal before the appellate authority under Section 10 of the Act. Without exercising such a remedy, the writ petitioner has filed the present writ petition. Therefore, we are not inclined to entertain this writ petition when there is an alternate remedy available before the appellate authority.

4.Accordingly, the Writ Petition is dismissed with liberty to the petitioner to approach the appellate authority seeking the aforesaid relief. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[D.K.K.J.] & [P.D.B.J.]

04.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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W.P.(MD)No.4997 of 2024

D.KRISHNAKUMAR, J.

and

P.DHANABAL, J.

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ORDER MADE IN

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