



W.P.(MD) No.7040 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7040 of 2024

and

W.M.P(MD)No.6524 of 2024

B.Bala Ganesan

... Petitioner

Vs.

- 1 The District Collector,
Virudhunagar District.
- 2 The District Revenue Officer,
Virudhunagar District.
- 3 The Revenue Divisional Officer,
Sathur,
Virudhunagar District.
- 4 The Tahsildar,
Vempakottai,
Virudhunagar District.
- 5 The President,
Keelanmarainadu Village Panchayat,
Vembakottai Taluk,
Virudhunagar District.

6 S. Saravanan

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to



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the Impugned Order Na.Ka.No.A1/440/2023, dated 08.02.2024 and consequent impugned Eviction Notice Na.Ka.No.A1/440/2023 dated 08.03.2024 passed by the respondent No.4 and quash the same as illegal and further direct the respondents Nos.1 to 5 not to take any coercive steps till the final orders passed in pending Civil Suit in O.S.No.147 of 2023 on the file of the Learned Sub Court, Sivakasi by considering petitioner's representation, dated 18.03.2024 within time stipulated by this Hon'ble Court.

For Petitioner :Mr.K.Dinesh

For R-1 to R-4 :Mr.N.Satheesh Kumar,
Additional Government Pleader

For R-5 :Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

The petitioner has challenged the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'the Act').

2. According to the petitioner, the property in question has been in possession of the property and without providing opportunity to the petitioner, the fourth respondent has issued the impugned eviction notice and therefore, the said notice is liable to be quashed.



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3. The learned Additional Government Pleader appearing for the respondents 1 to 4, would submit that the petitioner is having appeal remedy before the District Collector under Section 10-A of the Act. However, without exhausting such appeal remedy, the petitioner has filed this writ petition and the same is not maintainable.

4. In view of above, we are not inclined to entertain this writ petition. Hence, the writ petition stands dismissed with liberty to the petitioner to file an appeal before the first respondent District Collector, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the authorities shall not take any coercive step against the petitioner. No Costs. Consequently, connected Miscellaneous Petition is closed.

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

22.03.2024

Neutral Citation: Yes / No

Index : Yes / No

PM

Note: Registry is directed to return the original impugned orders to the petitioner after retaining a photostat copy of the same.



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- 4 The Tahsildar,
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and
R.VIJAYAKUMAR, J.

PM

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