



W.P.(MD).No.11678 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.11678 of 2019
and
W.M.P.(MD).No.4009 of 2022

O.S.K.David

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Tahsildar,
Rameswaram,
Ramanathapuram District.
- 4.M.Chandran,
The Tahsildar, Rameswaram,
Ramanathapuram District.

5.Samaya Kaveri

... Respondents

(R-5 is impleaded vide Court order dated 21.06.2019 in W.M.P.(MD).No.10182 of 2019 in W.P.(MD).No.11678 of 2019)



W.P.(MD).No.11678 of 2019

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records relating to the notice dated 03.05.2019 of the 3rd respondent herein and quash the same.

For Petitioner : Mr.T.Pon Ramkumar

For R-1 to R-3 : Mr.P.Thilak Kumar
Government Pleader

For R-5 : Mr.B.Saravanan

For R-4 : No appearance

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The eviction order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, is put under challenge in the present Writ Petition.

2. The only ground canvassed by the petitioner in this Writ Petition is that in connection with the properties, which are in his occupation, a civil suit was filed, which has been taken on appeal and is pending before the Hon'ble Supreme Court as on date.

3. Admittedly, the revenue authorities are not parties to the civil dispute. The present eviction proceedings relates to a land, which has been classified as



W.P.(MD).No.11678 of 2019

Government poromboke, which has got nothing to do with the civil suit. Even assuming that there is any connection between the schedule property in the civil suit and the present properties in the notice under Section 6, it can only be a ground to be raised in an appeal and cannot be an exception to exclude the appeal remedy before filing a Writ Petition.

4. In the light of the above observations, this Writ Petition stands dismissed with liberty to the petitioner to challenge the impugned order dated 03.05.2019 by way of an appeal under Section 10 of the Land Encroachment Act, within a period of thirty (30) days from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

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



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and
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