



W.P.(MD) No.15941 of 2018

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.15941 of 2018

and

W.M.P(MD)Nos.14241 and 14242 of 2018

1. Mrs.S.Stella,
The Secretary,
The Mulankuzhi CSI Church,
Vilavancode Taluk,
Kanyakumari District. ... Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Kanyakumari District - 629 001.
2. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District - 629 175.
3. The Tahsildar,
Vilavancode Taluk at Kuzhithurai,
Kuzhuthurai West, Kuzhithurai,
Kanyakumari District -629 163.
- 4 N.Sundarraaj,

(R4 is Impleaded Vide Court Order dated
21/12/18 in WMP(MD)No.17945/18)

.... Respondents



W.P.(MD) No.15941 of 2018

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order issued by the 3rd respondent Tahsildar, dated 03/07/2018 (received on 07/07/2018) rejecting the reply submitted by the petitioner -Church to the Section 7 Notice issued by the 3rd respondent Tahsildar, dated 18/01/2017 and the consequential impugned Notice issued by the 3rd respondent Tahsildar under Section 6 of the Tamil Nadu Land Encroachment Act 1905 dated 09/07/2018 (received on 17/07/2018) directing the petitioner-Church to evict from the possession of the land in S.No.84/1 and to remove the crops or buildings located in the said land, if any within 15 days from the date of receipt of the notice, quash the same.

For Petitioner	:Ms.Nivitha Jothi for M/s.Isaac Chambers
For R-1 to R-3	:Mr.J.Ashok, Additional Government Pleader
For R-4	:Mr.V.Sasikumar

ORDER

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

The petitioner has challenged the notices issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short 'the Act').



W.P.(MD) No.15941 of 2018

2. The learned Additional Government Pleader appearing for the respondents 1 to 3, 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.

3. 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. On receipt of such appeal, it is for the first respondent, to consider the same and pass appropriate orders on merits and in accordance with law at an early date. No Costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K., J.]

[R.V., J.]

27.02.2024

Neutral Citation: Yes / No

Index : Yes / No

PM



W.P.(MD) No.15941 of 2018

To:

WEB COPY

1. The District Collector,
Collectorate Building,
Kanyakumari District - 629 001.
2. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District - 629 175.
3. The Tahsildar,
Vilavancode Taluk at Kuzhithurai,
Kuzhuthurai West, Kuzhithurai,
Kanyakumari District -629 163.



WEB COPY



W.P.(MD) No.15941 of 2018

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

PM

W.P.(MD)No.15941 of 2018

27.02.2024