



W.P.(MD) No.23741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.23741 of 2024

and

W.M.P.(MD)Nos.20103, 20107 and 20108 of 2024

Rajappa

... Petitioner

-VS-

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai Division,
Sivagangai District.
- 4.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.
- 5.The Zonal Deputy Tahsildar,
Ilayangudi Taluk,
Sivagangai District.
- 6.The Block Development Officer,
Ilayangudi Union,
Sivagangai District.

... 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 pertaining to the impugned notice issued by the 4th respondent in R.F.XIV.O-1.2,26,206-MDU dated 23.06.2024 and quash the same and consequently forbear the respondents from evicting the petitioner from the house situated in No. 455/9B & 456/1, Nagarakudi Group Village, Valakkani Village, Ilayangudi, Sivagangai District.

For Petitioner	: Mr.K.Navaneetha Raja
For Respondents	: Mr.P.T.Thiraviyam Government Advocate

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents.

2.The order under challenge is one made under Section 6 of the Land Encroachment Act, 1905.

3.Section 10 of the Act provides for an Appeal against the order made under Section 6, before the District Collector. The main ground on which, the petitioner rushed to this Court is that his application for correction of UDR entries is pending before the District Revenue Officer/second respondent.



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4.Mr.P.T.Thiraviyam, learned Government Advocate has produced the order passed by the District Revenue Officer, dated 10.10.2024, rejecting the application and requiring the petitioner to move the appropriate Civil Court, if he feels aggrieved by the order.

5.In view of the above disposal of the representation of the petitioner regrading corrections in the updated revenue register, the petitioner will have to necessarily move the Collector by way of an Appeal under Section 10. There is no special circumstances, which enable us to entertain the Writ Petition de hors the alternative remedy available. Hence, the Writ Petition is disposed of. The petitioner is given four weeks time to file an Appeal. If an Appeal filed within four weeks from today, the District Collector will entertain the Appeal de hors the question of limitation and hear the same on merits. Till the Appeal is disposed of, no coercive action will be taken.

5.The Writ Petition is disposed of with the above observation. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

14.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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WEB COPY

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and
L.VICTORIA GOWRI, J.

Mrn

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