



WP(MD). No.7844 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 20/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.7844 of 2025
and WMP(MD) Nos.5932 and 5934 of 2025

Sakthivel

... Petitioner

Vs

1. The District Collector,
Sivagangai District, Sivagangai..

2. The Tahsildhar,
Karaikudi Taluk, Sivagangai District..

3. The Zonal Deputy Tahsildhar,
Karaikudi Taluk, Sivagangai District..

4. The Village Administrative Officer,
SR Pattanam, Karaikudi Taluk,
Sivagangai District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari call for the records pertaining to the impugned order dated 12.12.2024 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.N.Jeyaram Sidharth



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For Respondents : Mr.J.Ashok
Addl. Government Pleader

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The writ petition has been filed challenging the impugned order of the 2nd respondent dated 12.12.2024.

2. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3.The petitioner has constructed a house in their ancestral land and have also put up a water tank, which is about 2 feet in front of his house. Alleging that the petitioner has encroached the pathway by putting up water tank, the 2nd respondent has given an eviction order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act'). It is his grievance that without giving any notice and without any opportunity, the 2nd respondent had issued the eviction notice. Hence, the petitioner is before this Court with this writ petition.



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4. It is the contention of the learned Additional Government Pleader that against the order under Section 6 of the Act, an appeal under Section 10 of the Act has been preferred before the 1st respondent and the same is pending.

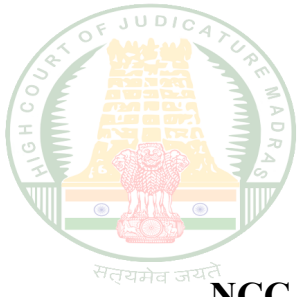
5. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and have perused the materials available on record.

6. When an order under Section 6 of the Act is passed, there is an alternative and efficacious remedy is available to the petitioner by way of appeal to the District Collector under Section 10 of the Act. When the petitioner has rightly approached the District Collector by filing an appeal against the eviction order before the 1st respondent, the petitioner has to pursue the appeal. Accordingly, the writ petition is not maintainable. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

[J.N.B.,J]

[S.S.Y.,J]

20.03.2025



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NCC : Yes/No
Index : Yes/No
RR

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