



W.P(MD)No.12263 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.12263 of 2025
and
W.M.P(MD)No.8998 of 2025**

V.Vaiyapuri

... Petitioner

vs.

1.The District Collector,
Trichy District.

2.The Revenue Divisional Officer,
Srirangam Zone,
Trichy District.

3.The Tahsildar,
Manaparai Taluk,
Trichy District.

4.Draavidaselvi

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the third respondent in the impugned order dated 11.04.202 and quash the same.

For Petitioner : Mr.P.Ganapathi Subramanian

For RR 1 to 3 : Mrs.D.Farjana Ghousia
Special Government Pleader

ORDER

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

Challenging the eviction notice issued by the third respondent dated 11.04.2025, this Writ Petition has been filed.

2.According to the learned counsel appearing for the petitioner, on 11.11.2024, he received a notice from the Revenue Inspector, Pannapatti under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (in short hereinafter referred to as 'the Act, 1905'), for which, the petitioner submitted his reply on 18.11.2024 and requested the third respondent to furnish the details.



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3.The main grievance of the petitioner is that the third respondent, without furnishing the details sought for by the petitioner, has passed the impugned order dated 11.04.2025. Aggrieved against the same, the petitioner has preferred the present Writ Petition.

4.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to3 and perused the materials available on record.

5.Upon perusal of the materials available on record, it is seen that as against the impugned eviction notice, an appellate remedy is provided under Section 10 of the Act, 1905, before the District Collector. When the Act provides for an effective appellate remedy against an eviction notice under Section 6, it would not be appropriate to entertain the present Writ Petition without the petitioner exhausting that remedy.



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6.In the light of the above, we are not inclined to entertain the Writ Petition. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to file an appeal and a stay application before the first respondent, the District Collector, under Section 10 and 10-B of the Act, 1905. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
28.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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