

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.11108 of 2015 and M.P. No.1 of 2015

P. Kandasamy

Petitioner

Vs.

1 The District Collector  
Tiruppur  
Collectorate  
Tiruppur Cotton Market  
Tiruppur 641 604

2 The Tahsildar  
Tiruppur South Taluk Office  
Veerapandi  
Tiruppur - 641 605

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the entire records of the respondents leading to the order of the first respondent dated 08.04.2015 bearing Na.Ka.No.16959/2014/B1 and the consequent notice dated 09.04.2015 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same as illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Land Encroachment Act, 1905 and consequently, forbear the second respondent or any person directed or nominated by the second respondent to take possession of the petitioner's land of an extent of 3 acres 10 cents comprised in Survey No.63 at Nallur Village being the subject matter of the impugned Section 6 notice.

For petitioner

Mr. S. Anand

For respondents

Mr. P.S. Sivashanmugasundaram  
Special Government Pleader

ORDER

(Order of the Court was made SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed questioning the legality and validity of the order dated 08.04.2015 passed by the first respondent, whereby and whereunder, the second respondent has been directed to remove the encroachment made by the petitioner and also the consequential notice dated 09.04.2015 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") and also for a prayer to forbear the respondents from taking possession of the petitioner's land which is the subject matter of the notice issued under Section 6 of the Act.

3 However, today, when the writ petition is taken up for hearing, the learned counsel for the petitioner submits that challenging the aforesaid notice issued under Section 6 of the Act, the petitioner has filed an appeal under Section 10 of the Act, together with an application for interim stay and it would suffice if a direction is issued to the appellate authority to consider the petitioner's appeal and stay application within a time frame.

4 In view of the above submission made by the learned counsel for the petitioner, if the petitioner's stay application is pending consideration, the appellate authority is directed to consider and pass orders on the same, as early as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. The appellate authority shall also consider and pass orders on the petitioner's appeal on its own merits and in accordance with law, within the statutory period prescribed under the provisions of law. It is made clear that for a period of two weeks, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

The writ petition stands disposed of with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

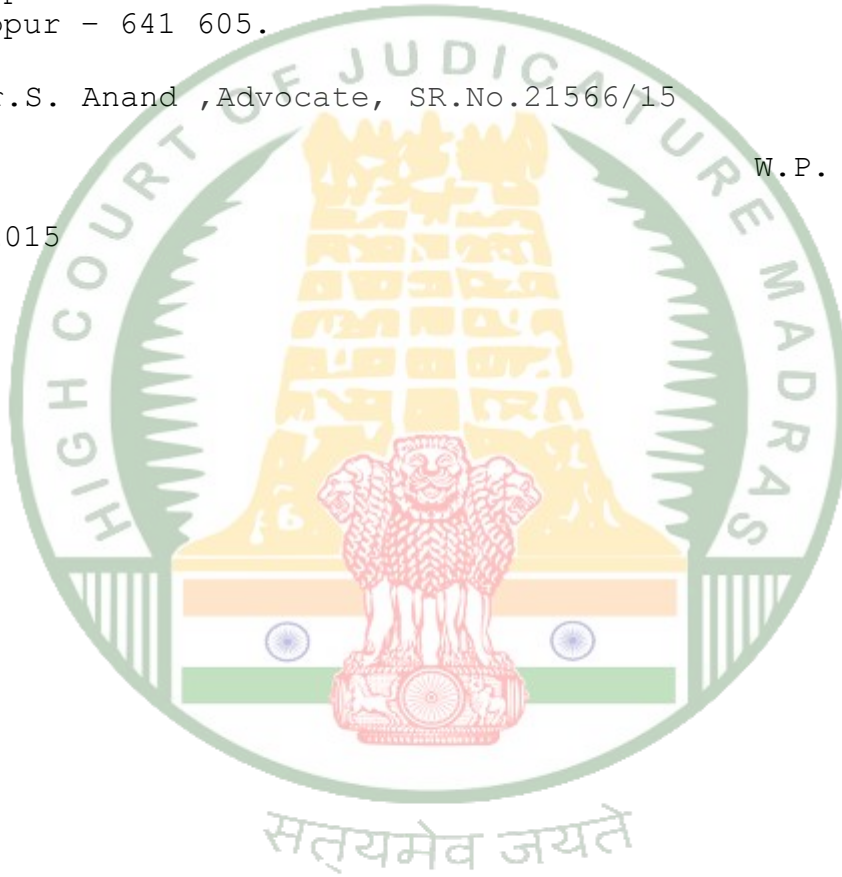
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Tiruppur - 641 605.

2 cc to Mr.S. Anand ,Advocate, SR.No.21566/15

W.P. No.11108 of 2015

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pmk.23.4.2015



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