

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2015

CORAM:

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

W.P. Nos.12781 and 12782 of 2015 and M.P. Nos.1 of 2015

E. Suganthi Petitioner in WP No.12781 of 2015

J. Ganapathi Petitioner in WP No.12782 of 2015

Vs.

The Tahsildar
Madhavaram Taluk Office
Madhavaram
Chennai

Respondent in both the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the order of the respondent herein in Na.Ka.No.86/2015/A1 dated 10.04.2015 in respect of land in Survey No.79 of Thandalkazhani Village, Madhavaram Taluk and quash the same and consequently, forbear the respondent herein, his men, agents, servants or any other person or persons authorised by him from in any manner, evicting the petitioners from the property occupied by them in Survey No.79 of Thandalkazhani Village, Madhavaram Taluk, pursuant to the impugned orders or otherwise.

For petitioner Mr. AR.L. Sundaresan, Sr. Counsel
in both the WPs for M/s. AL. Ganthimathi

For respondent Mr. P.S. Sivashanmugasundaram
in both the WPs Special Government Pleader

COMMON ORDER

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

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondent in both the writ petitions. With the consent of the learned counsel on either side, the writ

petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed calling in question, the legality and validity of the orders dated 10.04.2015 passed by the respondent, whereby and whereunder, the respondent, confirming that the petitioners are encroachers, rejected their request to recall the notices issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"). Today, when the writ petitions are taken up for hearing, the learned Senior Counsel appearing for the petitioners submits that the petitioners have preferred appeals before the District Collector, Tiruvallur under Section 10 of the Act, together with stay applications under Section 10-B of the Act and it would suffice if a direction is given to the District Collector, Tiruvallur, to consider the petitioners' appeals and stay petitions and pass orders on the same, within a time frame.

3 In view of the above submission made by the learned Senior Counsel appearing for the petitioners, we direct the District Collector, Tiruvallur, to consider the stay petitions filed by the petitioners under Section 10-B of the Act, on merits and in accordance with law, at the earliest, preferably, within a period of two weeks and also to consider and pass orders on the petitioners' appeals filed under Section 10 of the Act, on merits and in accordance with law, within the period prescribed under the statute. It is made clear that status quo, in respect of the properties in question, as obtained today, shall be maintained for a period of two weeks.

4 The writ petitions stand disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Tahsildar
Madhavaram Taluk Office
Madhavaram
Chennai

2 The District Collector
Tiruvallur.

2 cc to M/s. AL. Ganthimathi, Advocate, SR.No.23864, 23866
2 cc to Government Pleader, Sr.No23689, 23693

W.P. Nos.12781 and 12782 of 2015

cnr(co)
pmk.6.5.2015



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