

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.05.2015

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH
AND
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.14594 and 14595 of 2015
and
M.P.Nos.1 and 1 of 2015

C.Chandra ... Petitioner in W.P.No.14594 of 2015

P.Mohanraj
Managing Partner
M/s.Diamond Engineering Chennai P Ltd.
Survey No.128A, Vandalur-
Kelambakkam Main Road
Mambakkam Village, Chennai. Petitioner in W.P.No.14595 of 2015

vs.

1. District Collector
Kancheepuram District
Kancheepuram.
2. The Tahsildar
Thiruporur Taluk
Kancheepuram District. Respondents in both W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the first respondent to consider the petitioners' appeal dated 02.05.2015 at the earliest point of time as may be fixed by this Court.

For petitioner : Mr.J.Pothiraj
in both W.Ps.

For respondents : Mr.A.Kumar
in both W.Ps. Special Government Pleader

COMMON ORDER

(Order of the Court was made by R.Subbiah,J.,)

These writ petitions have been filed seeking for the issuance of a mandamus directing the first respondent to dispose of the appeal filed by the petitioners dated 02.05.2015 at the earliest point of time.

2. Mr.A.Kumar, learned Special Government Pleader takes notice for the respondents and by consent of both parties, the main writ petitions are taken up for final disposal.

3. The case of the petitioners in brief is as follows:

The petitioner in W.P.No.14594 of 2015 has purchased the property in Survey No.128/A21, 128/A22 and 128/A23 measuring an extent of 3.03 cents and another property in Survey No.128/A20 measuring an extent of 0.18.5 hectare vide Document No.2543 of 1979 on the file of the Sub Registrar, Tambaram and she has been in possession and enjoyment of the said lands from the date of her purchase. She has also obtained patta for the same; whereas the petitioner in W.P.No.14595 of 2015 is an industry situated in Survey No.128/A/16, 128/A/17 and 128/A/18 comprised of 17 acres and in between their industry there also existed Survey No.128/A/20 in which the petitioner has occupied a portion of 12 cents, which was established during the year 2008 and running the same. While so, the second respondent issued a notice dated 02.03.2015 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 stating that the petitioners are occupying the Government poramboke land in Survey No.128/A20 and further directed them to vacate the said property. Hence, the petitioners submitted representations to the authorities bringing about the real position in respect of the property purchased by them. However, without taking any action on the representations submitted by the petitioners, the second respondent served a notice under Section 6 of Act 3 of 1905 stating that the petitioners are illegally occupying the Government poramboke land in Survey No.128/A/20 and if they do not vacate the same, the authorities will evict the petitioners from the said land within seven days from the date of issue of notice dated 21.04.2015. Aggrieved over the said notice, the petitioners preferred an appeal dated 02.05.2015 along with the stay application before the first respondent. However, till date, the same was not considered. Hence, the present writ petitions seeking the aforesaid prayer.

4. Learned Special Government Pleader appearing on behalf of the respondents submitted that sufficient time may be granted to the authorities to dispose of the stay application filed by the petitioners along with the appeals preferred by them dated 02.05.2015.

5. Considering the facts and circumstances of the case and also considering the submissions made on either side, we are constrained to pass the following order:

The first respondent is directed to consider the stay application filed along with the appeals preferred by the petitioners dated 02.05.2015 and dispose of the same on

merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the stay applications are disposed of, status quo as on date shall be maintained by the respondents.

6. With the above direction, both these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

vj2

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. District Collector
Kancheepuram District
Kancheepuram.

2. The Tahsildar
Thiruporur Taluk
Kancheepuram District

+ 2 ccs to M/s.J.Pothiraj, Advocate SR 25068

+ 1 cc to the Government Pleader, High Court, Madras SR 25077

mp(co)
prk14/5

सत्यमेव जयते

W.P Nos.14594 and 14595 of 2015

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