

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:10-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P.No.14647 of 2015

1 T.Balakrishnan  
S/o. Thangamuthu  
No.50/25 Varun Flats  
Venugopal Street  
Mogappair East, Chennai-37. Petitioner

Vs.

1 The District Collector  
Thiruvallur District  
Thiruvallur.

2 The Revenue Divisional Officer  
Ponneri Division  
Ponneri.

3 The Assistant Divisional Engineer  
Highways Department Construction  
and Maintenance Metropolitan Road  
Sub Division-I, Saidapet, Chennai-15.

4 The Tahsildar  
Ambattur Taluk,  
Thiruvallur District. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the First Respondent to dispose of the appeal filed by the Petitioner dated 29.4.2015 under Section 10 of the Tamil Nadu Land Encroachment Act 1905 against the order of the Fourth Respondent under Reference No. Na.Ka.No. 5622/2014/C1 dated 15.4.2015 within a time frame to be fixed by this Honourable Court

For petitioner :: Mr. B. Balachander

For respondents:: Mr. P.S. Sivashanmuga Sundaram, Spl.G.P.

ORDER

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

Heard the learned counsel for the petitioner and Mr. P.S. Shivashanmuga Sundaram, learned Special Government Pleader 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. The petitioner has come forward with this writ petition seeking for a direction to the first respondent to dispose of the appeal dated 29-04-2015, filed by him under Section 10 of the Tamil Nadu Land Encroachment Act 1905 (for short "the Act") against the notice issued by the fourth respondent dated 15-04-2015 within a time frame stipulated by this Court.

3. From a perusal of the records, it is seen that the petitioner has already filed an appeal before the first respondent on 29-04-2015 against the aforesaid notice dated 15-04-2015, which is pending consideration. It is further seen that along with the said appeal, the petitioner has also preferred an application for interim stay in view of the provisions of Section 10B of the Act.

4. Therefore, without going into the merits of the case, we are of the considered view that if the appeal is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief to avoid further complications at the earliest, preferably within a period of two weeks.

5 Accordingly, we direct the first respondent to consider the petitioner's application for interim relief as early as possible, preferably within a period of two weeks, from today and also to consider the appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. There shall be an order of status quo as on today for a period of two weeks.

6 The writ petition is disposed of, accordingly. No costs. The connected miscellaneous petition is also closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

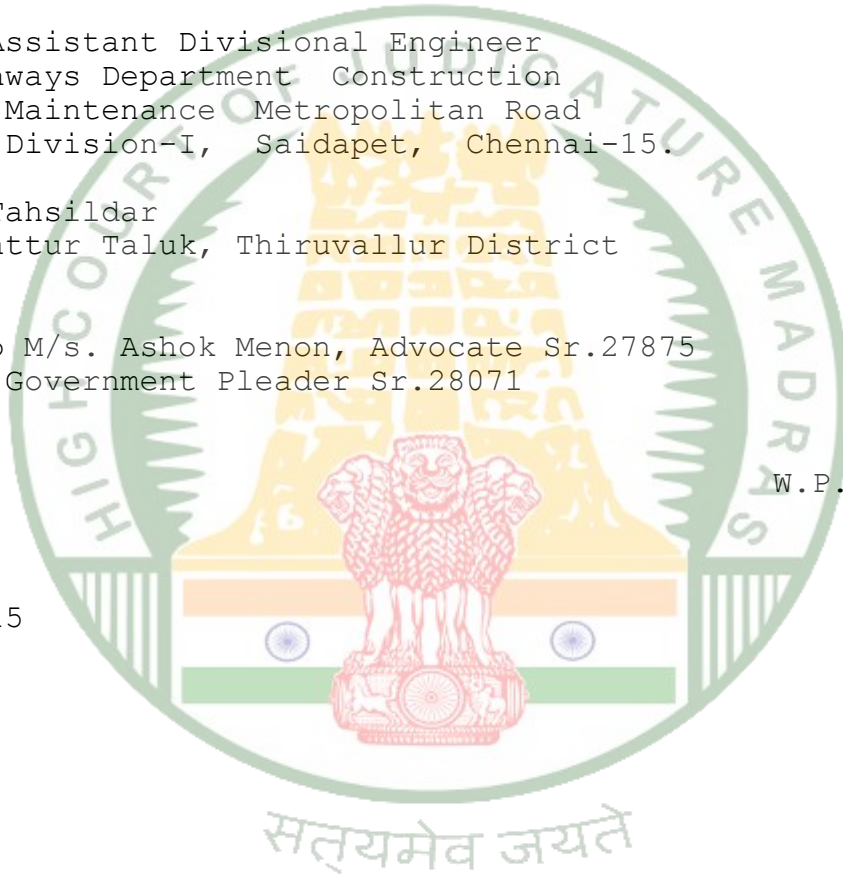
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To

- 1 The District Collector  
Thiruvallur District  
Thiruvallur.
  - 2 The Revenue Divisional Officer  
Ponneri Division  
Ponneri.
  - 3 The Assistant Divisional Engineer  
Highways Department Construction  
and Maintenance Metropolitan Road  
Sub Division-I, Saidapet, Chennai-15.
  - 4 The Tahsildar  
Ambattur Taluk, Thiruvallur District
- + 2 ccs to M/s. Ashok Menon, Advocate Sr.27875  
+ 1 cc to Government Pleader Sr.28071

SKV(CO)  
EU 19.06.15

W.P.No.14647 of 2015



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