

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.14655 of 2015
and
M.P.Nos.1 to 3 of 2015

Chandran John ... Petitioner

Vs.

1.The District Collector
Chengalpattu
Kancheepuram District
Tamil Nadu.

2.The Tahsildar
Sholinganalur
Kancheepuram District.

3.The Revenue Inspector
Sholinganalur Firka & Taluk
Kancheepuram District.

4.The Village Administrative Officer
No.9, Kottivakkam Village
Sholinganalur Taluk
Kancheepuram District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice dated 07.05.2015 signed and issued by respondents 2 to 4, with regard to classification of entire S.No.41/1, Neelankarai Village, Saidapet Taluk, Chengalpatt District and quash the same.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.A.Kumar
Special Government Pleader

ORDER

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

Mr.A.Kumar, learned Special Government Pleader takes notice for the respondents. By consent of parties, the main Writ Petition itself is taken up for final disposal.

2. Aggrieved against the notice dated 07.05.2015 issued by respondents 2 to 4 under Section 6 of the Land Encroachment Act, 1905, with regard to classification of entire S.No.41/1, Neelankarai Village, Saidapet Taluk, Chengalpet District, the petitioner has filed the present Writ Petition.

3. Mr.M.Sriram, learned counsel appearing for the petitioner would submit that the impugned notice dated 07.05.2015 was served on the petitioner on 08.05.2015 directing the petitioner to hand over the vacant possession of the property in question on or before 22.05.2015 and such time granted in the impugned order is within the time limit prescribed for filing an appeal viz., 30 days from the date of receipt of the said impugned order. Therefore, he submitted that the present impugned order calling upon the petitioner to hand over vacant possession of the property under dispute on or before 22.05.2015 takes away the right of the petitioner in filing the appeal within the stipulated period of 30 days. Thus, he contended that the impugned notice dated 07.05.2015 is unsustainable and the same is liable to be set aside.

4. To the above submissions of the learned counsel for the petitioner, Mr.A.Kumar, learned Special Government Pleader appearing for the respondents would fairly submit that even though, the impugned proceedings contemplate surrender of possession on or before 22.05.2015, the respondents will not take steps to evict the petitioner within a period of 30 days, so as to enable the petitioner to challenge the impugned proceedings before the Appellate Authority as contemplated under Section 10 of the Land Encroachment Act, 1905.

5. At this juncture, learned counsel appearing for the petitioner submitted that the petitioner will file an appeal within 30 days from today.

6. Recording the above submission made by the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents, this Writ Petition is disposed of, by directing the respondents not to dispossess the petitioner till an order is passed in the

interim application by the Appellate Authority. The petitioner is given liberty to challenge the impugned proceedings before the Appellate Authority as contemplated under Section 10 of Land Encroachment Act, 1905 within 30 days from today. It is open to the petitioner to file an application seeking appropriate interim relief, if any, before the Appellate Authority. If such appeal is filed along with the application for interim relief, the Appellate Authority shall consider the same and pass orders, on merits and in accordance with law, as expeditiously as possible.

7.The Writ Petition is disposed of with the above direction. Consequently, connected Miscellaneous petitions are closed. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector
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Tamil Nadu.

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Kancheepuram District.

1 cc to M/s.M. Sriram, Advocate, Sr. 25083

1 cc to Government Pleader, Sr. 25091

W.P.No.14655 of 2015

MP (CO)
kk 19/5