

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.15078 of 2015

and

M.P.Nos.1 to 3 of 2015

1 D.Rajappa  
S/o.Duraisamy No.9 D.R.Nagar,  
Jawaharlal Nehru Inner Ring Road  
Korattur  
Chennai-76 Petitioner

Vs

1 The District Collector  
Thiruvallur District  
Thiruvallur

2 The Tahsildar  
Ambattur Taluk  
MTH Road (Backside), Ambattur  
Chennai-53

3 The Divisional Engineer  
(H & RW) Saidapet Division  
Chennai -6

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records relevant to the order in Na.Ka.No.5622/2015-C1 dated Nil March 2015 issued under Section 7 of the Tamilnadu Land Encroachment Act-3 of 1905 passed by the 2nd respondent and the notice under Section 6 of the Tamilnadu Land Encroachment Act-3 of 1905 dated 15.4.2015 passed by the 2nd respondent and quash the same as illegal improper unreasonable arbitrary against the natural justice

For petitioner ::Mr. A. Rajesh Kanna

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

ORDER

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

The petitioner seeks permission to withdraw this petition with liberty to take recourse to the appellate forum with a direction to consider the appeal within a stipulated time. An endorsement to this effect has also been made as under:

"Since the challenging impugned order of the present writ petition is appealable u/s 10 (a) of the Tamil Nadu Encroachment Act. Hence the petitioner prays liberty to withdraw the present writ petition and move before appellate authority under the said provision through by way of statutory appeal along with stay petition till such time prays restrain respondent not to take any coercive step to dispossess the petitioner from his property."

2. We, accordingly, dismiss the writ petition as withdrawn, with liberty as aforestated, if so advised. It is needless to state that if an 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, 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. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-

Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

glp

To

- 1 The District Collector  
Thiruvallur District  
Thiruvallur
- 2 The Tahsildar  
Ambattur Taluk  
MTH Road (Backside), Ambattur  
Chennai-53

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3 The Divisional Engineer  
(H & RW) Saidapet Division  
Chennai -6

1 cc to Government Pleader, Sr. 28070

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