

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No. 21389 of 2015

1. Mrs. Pushpavalli
2. Selvi. Kanaga Lakshmi
3. Mrs. Mageswari
4. Mrs. Ambika
5. Mr. Kumaran
6. Ravi

Petitioners

vs.

1. The District Collector,
Office of the District Collectorate,
Tiruvallur District,
Tiruvallur.
2. The Tahsildhar,
Madhavaram Taluk Office,
Madhavaram,
Tiruvallur District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the respondents from in any manner interfering with the petitioners' peaceful possession and enjoyment of the House and grounds situated at Puzhal Village, Madhavaram Taluk, Thiruvallur District, comprised in Survey No.245 of Puzhal Village, admeasuring 0.76 cents pending disposal of the statutory appeal filed by the petitioner under section 10 the Tamil Nadu Encroachment Act 1905 dated 25.01.2013

For petitioners

: Mr. S.Silambanan
Sr. Counsel for
M/s. M. Anandaraj

For respondents

: Mr. N. Sakthivel
Govt. Advocate

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ORDER

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

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 By this petition, the petitioner seeks a direction to the respondents forbearing them from in any manner interfering with the petitioners' peaceful possession and enjoyment of the house and grounds situated at Puzhal Village, Madhavaram Taluk, Thiruvallur District, comprised in Survey No.245 of Puzhal Village, admeasuring 0.76 cents, pending disposal of the statutory appeal filed by them under section 10 the Tamil Nadu Encroachment Act, 1905 (for short "the Act") dated 25.01.2013.

3 Learned Senior Counsel appearing for the petitioners submits that the husband of the first petitioner had preferred an appeal under Section 10 of the Act on 25.01.2013 against the proceedings dated 11.01.2013 issued by the Tahsildar, Madhavaram and the said appeal is still pending. During the pendency of the said appeal, the husband of the first petitioner as well as the father of the petitioners 2 to 6, died. Thus, the petitioners be permitted to make appropriate application before the Appellate Authority for bringing them on record.

4 At this stage, we are not inclined to make any observation on the directions sought by the petitioners. However, as submitted by the learned Senior Counsel appearing for the petitioners, if the appeal is pending consideration, we reserve liberty to the petitioners to make appropriate application, before the Appellate Authority, within a period of two weeks. In the event, such an application is made, the same shall be considered on its own merits and in accordance with law and the appeal shall be decided thereafter, within a period of four weeks. In the mean time, status quo as obtained today, in respect of the property in question, shall be maintained.

5 This writ petition is disposed of accordingly. Consequently, M.P. No. 1 of 2015 is closed. No costs.

ra

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Office of the District Collectorate,
Tiruvallur District, Tiruvallur.

2. The Tahsildhar,
Madhavaram Taluk Office,
Madhavaram,
Tiruvallur District.

+ 1 cc to Mr.M.Amalraj, Advocate SR 39678

+ 1 cc to Govt.Pleader SR 39956

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