

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.21431 of 2015 and M.P. No.1 of 2015

M. Dhandapani

...Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Sankarapuram Taluk,
Villupuram District.
3. The Block Development Officer,
Sankarapuram Union,
Villupuram District.
4. The President,
S.V. Palayam Village Panchayat,
Sankarapuram Union,
Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to pass orders on the appeal petition submitted by the petitioner dated 29.06.2015 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a time frame.

For petitioner : Mr. G. Sankaran

For respondents : Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader R1 & R2

Mr. N. Srinivasan
Addl. Govt. Pleader - R3 & R4

ORDER

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

This writ petition is filed seeking a writ of mandamus directing the first respondent to pass orders on the appeal petition submitted by the petitioner dated 29.06.2015 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a time frame.

2 Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, takes notice for the respondents 1 and 2. Mr. N. Srinivasan, learned Additional Government Pleader takes notice on behalf of the respondents 3 and 4. With the consent of the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the respondents 3 and 4, the writ petition is taken up for final disposal.

3 It is the case of the petitioner that the third respondent has issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") on 04.05.2015. Subsequently, the third respondent, has passed the order of eviction dated 26.05.2015. Against, which, the petitioner has preferred an appeal dated 29.6.2015 wherein, he has also sought an order of interim stay of the eviction notice dated 26.05.2015.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to consider and pass orders on the petitioner's appeal dated 29.06.2015 within the period as prescribed in the statute. It is made clear that status quo, as obtained today, in respect of the property in question, shall be maintained for a period of two weeks. If the petitioner files an application for interim relief, the same shall be considered and orders passed within a period of two weeks.

5 With the above directions, the writ petition is disposed of.
Connected Miscellaneous Petition is closed. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Sankarapuram Taluk,
Villupuram District.
3. The Block Development Officer,
Sankarapuram Union,
Villupuram District.
4. The President,
S.V. Palayam Village Panchayat,
Sankarapuram Union,
Villupuram District.

+1cc to Mr.G.Sankaran,Advocate (SR.38591)
+1cc to Government pleader (SR.38518)

CTK (co)
cp 06.08.2015

W.P. No.21431 of 2015

सत्यमेव जयते

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