

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2015

CORAM:

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

W.P. No.27406 of 2015 and M.P.No.1 of 2015

Mrs. P. Murthy

Petitioner

Vs.

1 The District Collector
Tiruvallur District at
Tiruvallur

2 The Tahsildar
Poonamallee Taluk at
Poonamallee
Chennai 600 056

Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents or their subordinates or anybody acting through them from in any manner evicting or dispossessing or interfering with the petitioner's possession and enjoyment of the property situated in S.No.7/10, Senneerkuppam Village, Poonamallee Taluk, Tiruvallur District, pursuant to the notice made in Na.Ka.24/2015 dated 14.07.2015 and issued by the second respondent herein, pending disposal of the statutory appeal filed on 24.08.2015 before the first respondent and pending disposal of the suit in O.S. No.514 of 2006 on the file of the District Munsif Court, Poonamallee.

For petitioner Mr. V. Karthick
for Mr. N. Damodaran

For respondents Mrs. A. Srijayanthi
Special Government Pleader

O R D E R
(made by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice 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 This writ petition is filed seeking a writ of mandamus forbearing the respondents from, in any manner, evicting or dispossessing the petitioner or interfering with her possession and enjoyment of the property situated in S.No.7/10, Senneerkuppam Village, Poonamallee Taluk, Tiruvallur District, pursuant to the notice dated 14th July 2015 issued by the second respondent herein under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"), pending disposal of the statutory appeal filed on the 24th ultimo before the first respondent and pending disposal of the suit in O.S. No.514 of 2006 on the file of the District Munsif Court, Poonamallee.

3 From a perusal of the records, it is seen that the second respondent has issued a notice under Section 6 of the Act on 14th July 2015 Thereagainst, the petitioner has preferred an appeal before the first respondent under Section 10 of the Act on the 24th ultimo, which is pending consideration. It is further seen that along with the said appeal, the petitioner has also filed an application for interim stay in terms of the provisions of Section 10-B of the Act.

4 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 at the earliest, preferably within a period of two weeks, to avoid further complications.

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 and also to consider the petitioner's appeal within the statutory period prescribed under the provisions of law, on its own merits and in accordance with law. It is made clear that for a period of two weeks from today, i.e., 2nd September, 2015, status quo as obtained today, in respect of the property in question, shall be maintained by both the parties.

6 With the above direction and observation, the writ petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

cad

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

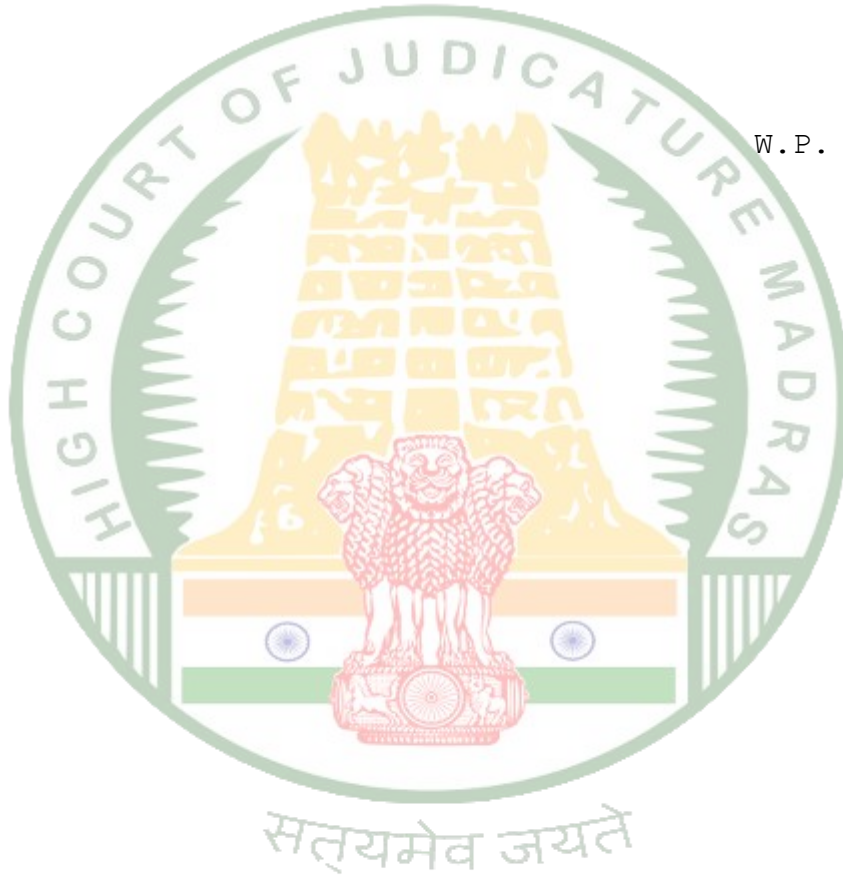
1 The District Collector
Tiruvallur District at
Tiruvallur

2 The Tahsildar
Poonamallee Taluk at
Poonamallee
Chennai 600 056

+ 1 cc to Govt.Pleader SR 47342

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