

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM

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

W.P. No.27979 of 2015

G. Chinnasamy

Petitioner

Vs.

- 1 The District Collector
Erode District, Erode
- 2 The Tahsildar
Perundurai Taluk,
Perundurai, Erode District.
- 3 The Revenue Inspector,
Perundurai, Erode District
- 4 M. Subramani
- 5 Mr. Sivasubramaniam
Tahsildar, Perundurai Taluk,
Perundurai, Erode.
- 6 Mr. Sakthivel
Revenue Inspector,
Perundurai, Erode District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 2 and 3 to permit the petitioner along with his family to live permanently in the Natham house site situated in S.No. 1107/15 in Perundurai Village, Erode District.

For petitioner

Mr. C. Prakasam

For respondents

Mrs. A. Srijayanthi
Spl. Govt. Pleader R1 to R3

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 3. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the official respondents, this writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner has come up with the instant writ petition seeking a direction to the respondents 2 and 3 to permit him along with his family to live permanently in the Natham house site in S.No.1107/15 in Perundurai Village, Erode District.

3. Learned counsel for the petitioner submits that the petitioner has constructed a small house in S.No.1107/15 in Perundurai Vaillage, Erode District and residing there along with his family for the past three decades without any disturbance. Now, the second respondent has issued a notice dated 11.08.2015 calling upon him to vacate the land in question.

4. It is beyond cavil that before issuance of notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act") on 11.08.2015, the petitioner was afforded an opportunity of hearing by notice dated 13.07.2015 issued under Section 7 of the Act. It is further brought to our notice that after the notice under Section 6 of the Act was issued, the petitioner has preferred an appeal under Section 10 of the Act on 17.08.2015 before the first respondent, viz., the District Collector and the same is pending consideration.

5. Given the fact situation, as afore-stated, no adjudication is required at this stage. However, the first respondent is directed to consider the petitioner's pending appeal within the statutory period. In the meantime, if an application seeking interim relief is filed by the petitioner, the same shall be considered and decided within a period of two weeks from today. It is made clear that for a period of two weeks from today i.e. 4th September, 2015, status-quo, as obtained today, in respect of the property in question, shall be maintained.

6. This writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

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Sub Asst. Registrar

To

1 The District Collector
Erode District, Erode

2 The Tahsildar
Perundurai Taluk,
Perundurai, Erode District.

3 The Revenue Inspector,
Perundurai, Erode District

+1 cc to Government Pleader, sr.48194

+1 cc to C.Prakasam, Advocate, sr.51723 (22/09/2015)

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