

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM:

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

W.P. No.29224 of 2015

M/s. Real Value Promoters (P) Ltd.,
rep. By its Director,
R. Dhamodaran,
No.455 Anna Salai,
Teynampet, Chennai 600 018.

Petitioner

Vs.

1. The District Collector,
Kancheepuram District,
Office of the District Collector,
Kancheepuram.
2. The Tahsildar,
Tiruporur Taluk Office,
Tiruporur,
Kancheepuram District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the 2nd respondent from taking any coercive action pertaining to notice U/s.7 of Tamilnadu Encroachment Act dated 31.8.2015 served on 2.9.2015 till disposal of stay petition filed in Appeal Ref. No.22414/IS/B1 dated 10.9.2015 pending on the file of 1st respondent pertaining to portion of petitioners property situated at S.No.101/1 namely Neel Kamal Project Kazhipattur Village, Thiruporur Taluk, Kancheepuram District claiming the same as S.No.102 part 104 Part 105 Part.

For petitioner Mr.Adinarayana Rao

For respondents Mrs. A. Srijayanthi
Special Government Pleader

ORDER

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for disposal, at the admission stage itself.

2. Assailing the legality and validity of the notice dated 31.08.2015, issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner has approached this Court earlier in W.P.No.28114 of 2015, which was disposed of reserving liberty to the petitioner to take re-course to the Appellate Authority, if so advised and in the meantime, status quo in respect of the property was also granted for a period of one week.

3. According to the learned counsel for the petitioner, the Appellate Authority being held up in some other administrative work, could not take up the matter and consider the application for interim relief filed along with the memorandum of appeal on 10.09.2015. Thus, fresh direction is sought to be issued to consider the application for interim relief.

4. Learned Special Government Pleader appearing for the respondents fairly submits that a decision will be taken on the petitioner's interim application within a period of two weeks from today.

5. In view of the above submission made by the learned Special Government Pleader, without making any observation on the merits of the case, leaving it open to the appellate authority to consider, we direct the Appellate Authority to consider the petitioner's application for interim relief within a period of two weeks from today and also to consider the petitioner's appeal, on its own merits and in accordance with law, within the statutory period prescribed under the statute. It is made clear that for a period of two weeks from today, i.e., 16 September 2015, status quo as obtained today in respect of the property in question, shall be maintained.

6. With the above directions, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

ra

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

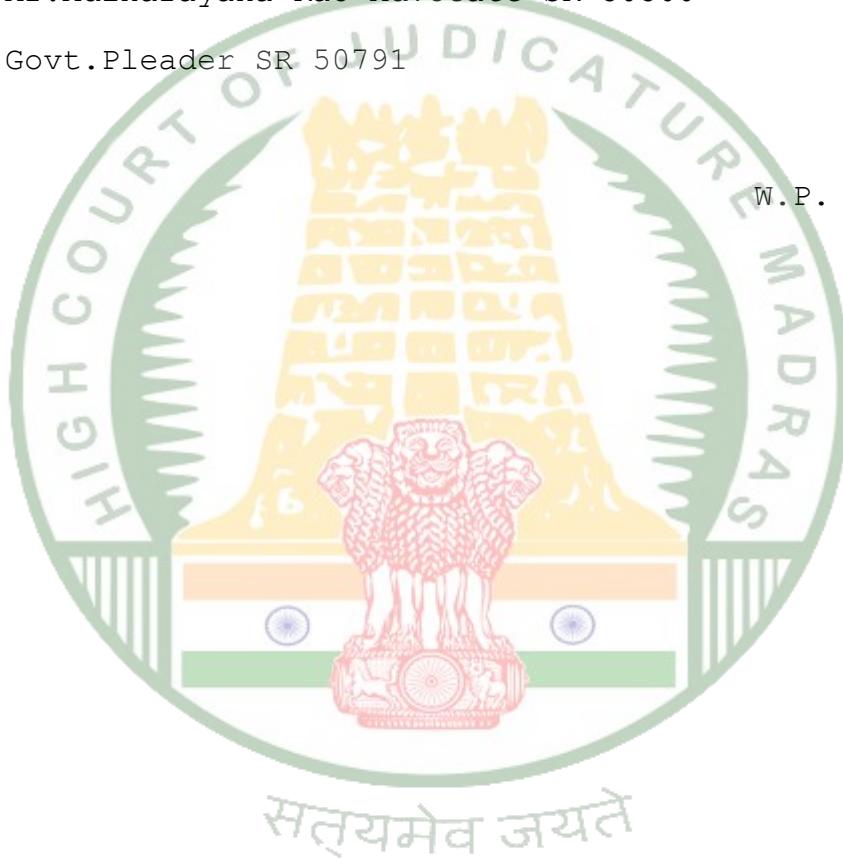
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Tiruporur,
Kancheepuram District.

+ 1 cc to Mr.Adinarayana Rao Advocate SR 50500

+ 1 cc to Govt.Pleader SR 50791

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