

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.40335 of 2015
and
M.P.No.1 of 2015

S.Nagooran .. Petitioner

Vs.

- 1.The Principal Secretary/Commissioner
of Land Administration,
Chepauk, Chennai - 5.
- 2.The District Collector,
Kancheepuram,
Kancheepuram District.
- 3.The Tahsildar,
Thiruporur Taluk,
Kancheepuram District. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the respondents 2 and 3 from interfering with peaceful possession and enjoyment of the petitioner's house No.1/29, Bharathiar Street, in Survey No.234, No.43, Padur Village, Chengalpet Taluk, Kancheepuram District pending adjudication of statutory appeal dated 16.10.2015 by the first respondent.

For Petitioner .. Mr.D.Senthil Kumaar
For Respondents .. Mr.N.Sakthivel,
Govt. Advocate

ORDER

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

Mr.N.Sakthivel, learned Government Advocate accepts notice for the respondents. With the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents, this writ petition is taken up for final disposal at the admission stage itself.

2.The facts of the case in nutshell, as culled out from the petitioner's affidavit are that he has been residing in Survey No.234, No.43, Padur Village, Chengalpet Taluk, Kancheepuram District. The petitioner applied for patta and the same was rejected by the second respondent vide order dated 15 September 2015. The petitioner was also issued with a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (for short "the Act"). Against the order dated 15 September 2015, the petitioner preferred an appeal before the appellate authority/first respondent under Section 10(c) of the Act on 16 October 2015. Along with the appeal, the petitioner has also filed an application for stay under Section 10-B of the Act.

3.With the aforesaid background, this writ petition has been filed seeking a writ of mandamus forbearing the respondents 2 and 3 from evicting the petitioner from the property in question before the disposal of the appeal preferred by him on 16 October 2015.

4.Having regard to the conspectus of the case, as stated above, without going into the merits of the case, we are of the considered view that if an appeal is filed along with the application for interim relief, the officers are well advised to consider the application for interim relief, preferably within a period of two weeks.

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 from today 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. There shall be an order of status quo as obtained today, for a period of two weeks.

6.The writ petition stands disposed of with the above direction and observation. No costs. Connected Miscellaneous Petition is closed.

सत्यमेव जयते

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The Principal Secretary/Commissioner
of Land Administration,
Chepauk, Chennai - 5.

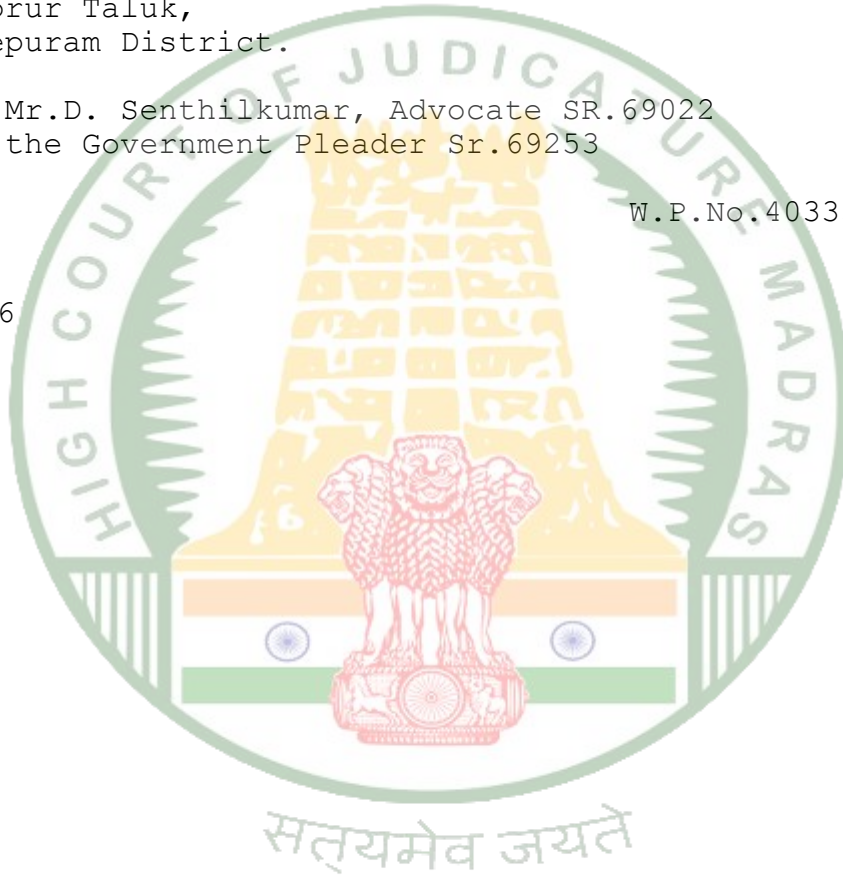
2.The District Collector,
Kancheepuram,
Kancheepuram District.

3.The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

+ 1 cc to Mr.D. Senthilkumar, Advocate SR.69022
+ 1 cc to the Government Pleader Sr.69253

W.P.No.40335 of 2015

PUR(CO)
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