

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P. DEVADASS

W.P. No. 40551 of 2015

Tmt. Vijaya

Petitioner

vs.

1. The Collector,
Dharmapuri District,
Dharmapuri.

2. The Tahsildar,
Harur,
Dharmapuri 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 stay application filed under Section 10(b) of the Tamil Nadu Land Encroachment Act filed along with the appeal preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, dated 20.10.2015 against the order of eviction dated 06.10.2015 on the file of the 2nd respondent and to stay the operation of the order of eviction passed by the 2nd respondent dated 06.10.2015.

For petitioner : Mr. S. Doraisamy

For respondents : Mr. P.S. Shanmugasundaram
Spl. Govt. Pleader

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ORDER

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

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2 This writ petition is filed seeking a direction to the first respondent to pass orders on the stay application filed under Section 10(b) of the Tamil Nadu Land Encroachment Act filed along with the appeal preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, dated 20.10.2015 against the order of eviction dated 06.10.2015 on the file of the 2nd respondent and to stay the operation of the order of eviction passed by the 2nd respondent dated 06.10.2015.

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 6th October 2015. Thereagainst, the petitioner has preferred an appeal before the first respondent under Section 10 of the Act on 20th October 2015, which is pending consideration.

4 Without going into the merits of the case, we are of the considered view that if an appeal has been preferred by the petitioner as against the notice issued under Section 6 of the Act, the officers are under an obligation to consider and pass orders on the same within the statutory period prescribed under the provisions of law.

5 Accordingly, we direct the first respondent to consider and pass orders on 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., 05 January 2016, 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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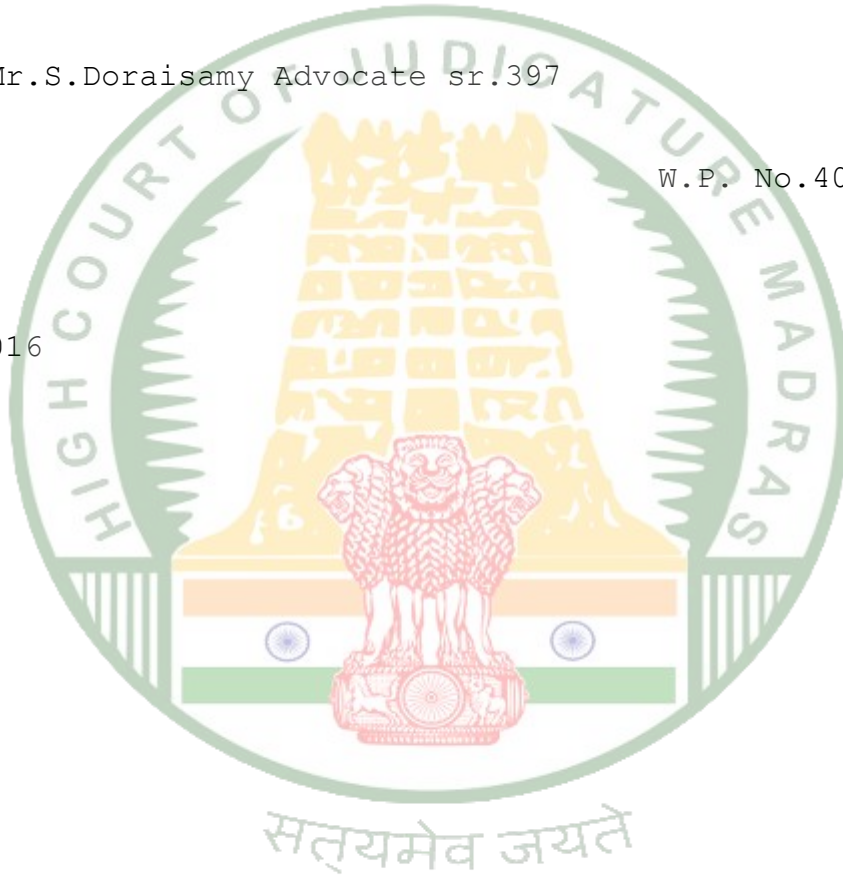
To

1. The Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Harur,
Dharmapuri District.

+1 cc to Mr.S.Doraisamy Advocate sr.397

W.P. No.40551 of 2015

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