IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.29181 of 2016
AND
WMP.No.25232 of 2016

Raja Singh ... Petitioner

Vs.

1. The District Collector
   O/o. The District Collector
   Cuddalore District
   Cuddalore

2. The Thasildhar
   Virudhachalam Taluk
   Cuddalore District

3. The Firka revenue Inspector
   Oomangalam Firka
   Virudhachalam Taluk
   Cuddalore District ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to take up the hearing of the Statutory Appeal dated 10.08.2016 preferred by the petitioner herein under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 as against the order dated 05.08.2016 passed by the 2nd respondent before any coercive action is taken against the petitioner and dispose of the same.

WEB COPY

For Petitioner : Mr.J.Kannan

For Respondents : Mr.R.Prathap Kumar,
Additional Government Pleader

https://hcservices.ecourts.gov.in/hcservices/

O R D E R

(Order of the Court was made by R.SUBBIAH,J.)

Heard Mr.J.Kannan, learned counsel for the petitioner and Mr.R.Prathapkumar, learned Additional Government Pleader, accepting notice for the respondents.

2. It is averred in the Writ Petition that the petitioner is in absolute possession and enjoyment of the land to an extent of 0.05.5 Acres, comprised in survey No.98/10, situate in Ko.Poovanur Village, Virudhachalam Taluk, Cuddalore District. The petitioner is stated to have residing in the said land by raising a pucca construction. It is further stated that without furnishing an opportunity, the 2nd respondent issued notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, and directed him to vacate the land within 15 days. As against the same, the petitioner is stated to have preferred a statutory appeal before the 1st respondent under Section 10 of the Act along with stay application. Now, the petitioner is before this court seeking a direction to the 1st respondent to take up the hearing of the Statutory Appeal dated 10.08.2016.

3. We have heard the submissions made by the learned counsel on either side and perused the documents placed on record.

4. Taking into consideration that the petitioner's appeal under Section 10 of the Tamil Nadu Land Encroachment Act, is pending consideration, the 1st respondent is directed to consider and dispose of the same within a period of 6 weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner. Till such time, the respondents are directed to maintain status quo.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar(CS VII)

WEB COPY

//True Copy//

Sub Assistant Registrar

nvsri

https://hcservices.ecourts.gov.in/hcservices/

To

1. The District Collector
   O/o. The District Collector
   Cuddalore District
   Cuddalore

2. The Thasildhar
   Virudhachalam Taluk
   Cuddalore District

3. The Firka revenue Inspector
   Oomangalam Firka
   Virudhachalam Taluk
   Cuddalore District

+1cc to Mr.R.Veeramani, Advocate, S.R.No.47698
+1cc to the Government Pleader, S.R.No.47952

Writ Petition No.29181 of 2016

LRS(CO)
CA(02/09/2016)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/