

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.10.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.32019 of 2016

K.Poongodi

... Petitioner

VS

1.The District Collector,
Collectorate, Villupuram,
Villupuram District.

2.The Tahsildar
Ulundurpettai Taluk,
Villupuram District.

3.The President,
Athur Village,
Ulundurpettai Taluk,
Villupuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to direct the 1st respondent to dispose of the appeal made on 04.08.2016 and forbearing the 3rd respondent eviction proceeding against the petitioner premises bearing S.No.362/1, Athur Village, Ulundurpettai Taluk, Villupuram District.

For Petitioner : Mr.G.Ranganathan
For Respondents : Mr.T.Rajagopalan,
Special Government Pleader R1&r2
Mr.N.Inbanathan, for R3

O R D E R

(The Order of the Court was made by The Hon'ble
The Chief Justice)

The petitioner seeks the relief of the interim stay against
eviction proceedings on account of pendency of appeal under

Section 10 of the Land Encroachment Act, 1905.

2. The petitioner was issued a notice under Section 7 of the said Act dated 01.08.2016. The petitioner was required to reply for the notice on or before 16.08.2016. Instead of the same, the petitioner preferred an appeal on 04.08.2016 itself. The process required the petitioner to give reply to the show cause notice and in case of an adverse order under Section 6 of the said Act, would an occasion to file an appeal under Section 10 of the said Act arise. We are thus of the view that the appeal filed by the petitioner is not maintainable and liable to be summarily rejected, and thus, there can be no question of any interim protection for the petitioner.

3. The petitioner not having availed of the opportunity to file a reply to the notice dated 01.08.2016, we permit, as a last opportunity, a reply to be filed within 10 days from today. In case such reply is filed, the same will be considered in accordance with law.

4. The writ petition accordingly stands dismissed, leaving the parties to bear their own costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(ccc)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector, Collectorate, Villupuram, Villupuram District.

2The Tahsildar, Ulundurpettai Taluk, Villupuram District.

3.The President, Athur Village, Ulundurpettai Taluk, Villupuram District.

+1cc to Mr.G.Ranganathan, Advocate, S.R.No.57324

+1cc to the Government Pleader, S.R.No.57397

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co (kgk)

cp 24/10/2016