

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.4900 of 2016

Thangavel

... Petitioner

Vs.

1. The District Collector
Salem, Salem District
2. The Tahsildar
Sankari Taluk
Salem District
3. The Revenue Inspector
Thevoor
Sankari Taluk, Salem District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to dispose of the appeal dated 03.11.2015 filed by the petitioner by granting a stay of operation of order in Na.Ka.No..3214/2015/K dated 16.10.2015 passed by the second respondent, till the disposal of the same.

For petitioner : Mr. M. Elango

For respondents : Mrs. A. Srijayanthi
Special Government Pleader

ORDER
(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a writ of mandamus directing the first respondent to consider and pass orders on

the petitioner's appeal dated 03 November 2015 and also the stay application filed along with the said appeal.

3. From a perusal of the records, it is seen that a notice dated 17 September 2015 under Section 7 of the Tamil Nadu Land Encroachment Act (for brevity "the Act") was issued to the petitioner by the second respondent, viz., the Tahsildar, Sankari Taluk, Salem District, calling upon the petitioner to show cause as to why kist should not be levied on him and the crops and buildings on the encroached land be forfeited. In response, the petitioner submitted his explanation on 03 October 2015. Pursuant thereto, the petitioner was issued with a notice dated 06 October 2015 by the second respondent under Section 6 of the Act, directing the petitioner to vacate the land in question within a period of seven days. Followed by the said notice, the second respondent passed an order dated 16 October 2016, directing the petitioner to remove the encroachment made by him in the canal poramboke. Thereagainst, the petitioner preferred an appeal on 03 November 2015 before the first respondent, viz., the District Collector, Salem, under the provisions of Section 10 of the Act, together an application for interim stay under the provisions of Section 10-B of the Act. Since no orders have been passed in the appeal as well as the stay petition, the instant writ petition, seeking the aforestated relief.

4. Without going into the merits of the case, we are of the considered view that if an application for stay, as aforestated, is filed along with the appeal, the officers are well advised to consider the stay application, at the earliest, preferably, within a period of two weeks, to avoid further complications.

5. Accordingly, we direct the first respondent to consider the petitioner's stay application as early as possible, preferably within a period of two weeks 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.

With the above directions, the writ petition stands disposed of sans costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

cad

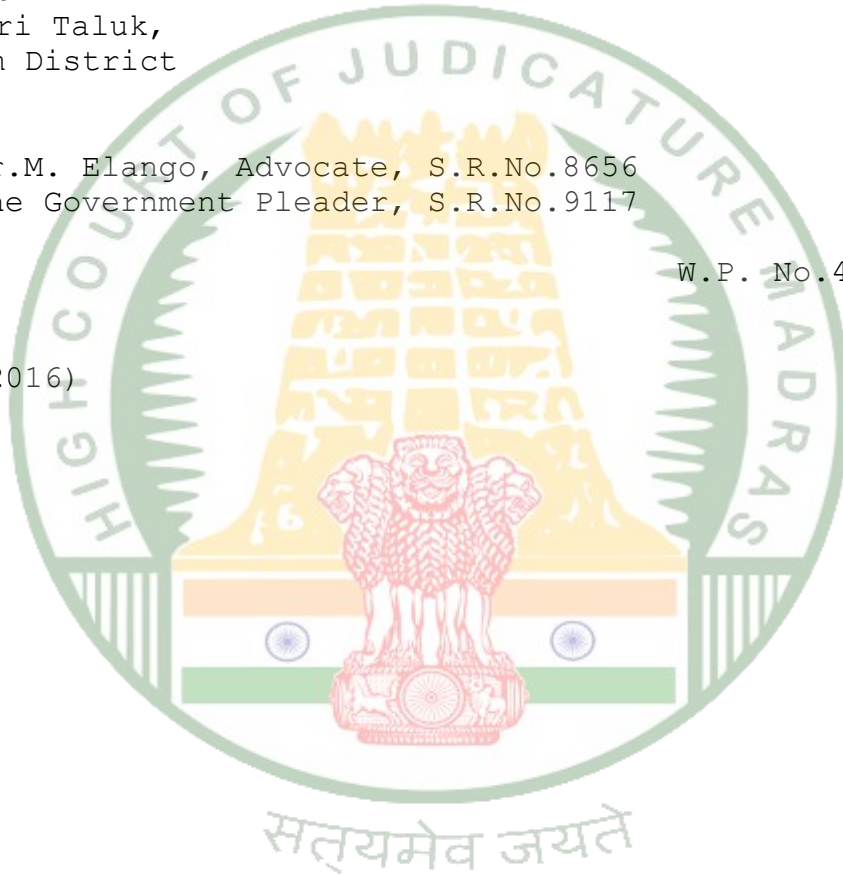
To

1. The District Collector
Salem, Salem District
2. The Tahsildar
Sankari Taluk
Salem District
3. The Revenue Inspector
Thevoor
Sankari Taluk,
Salem District

+1cc to Mr.M. Elango, Advocate, S.R.No.8656
+1cc to the Government Pleader, S.R.No.9117

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SVI (CO)
CA(22/02/2016)



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