

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2016

CORAM:

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

W.P. No.5657 of 2016 & W.M.P. No.5018 of 2016

Velumani

Petitioner

Vs.

- 1 The District Collector  
Erode District, Erode
- 2 The Assistant Engineer  
Water Resource Department  
Irrigation Section  
Modakurichi, Erode 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 petition filed under Section 10-B of the Land Encroachment Act along with appeal filed under Section 10 of the Land Encroachment Act dated 10.02.2016.

For petitioner Mr. C. Prakasam

For respondents Mrs. A. Srijayanthi  
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

With consent, the writ petition is taken up for final disposal.

2 This writ petition is filed seeking a writ of mandamus directing the first respondent to pass orders on the stay petition filed by the petitioner under Section 10-B of the Tamil Land Encroachment Act, 1905 (for short "the Act") along with the appeal filed by her on 10 February 2016 under Section 10, *ibid*.

3 The learned counsel for the petitioner submits that as against the notice issued under Section 6 of the Act, the petitioner has preferred an appeal before the District Collector under Section 10 of the Act on 10 February 2016 along with an application for interim stay under the provisions of

Section 10-B, *ibid.* Till date, despite a request given, even the application for interim relief has not been considered by the first respondent. The authorities may demolish the structure at any point of time. Thus, a direction be issued to the appellate authority, viz., the District Collector, Erode, the first respondent, to consider, at least, the application for interim relief, at the earliest.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the first respondent to consider the petitioner's application for interim relief within a period of one week and decide the appeal within the statutory period prescribed under the provisions of law. It is made clear that status quo as obtained today in respect of the property in question shall be maintained for a period of one week.

The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1 The District Collector  
Erode District, Erode
- 2 The Assistant Engineer  
Water Resource Department  
Irrigation Section  
Modakurichi, Erode District

1 cc to MR.C. Prakasam, Advocate, Sr. 11245

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