



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA
and
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD)No.19786 of 2016
and
W.M.P(MD)No.14280 of 2016

Mr.Muthuvel

... Petitioner

vs.

1)The District Collector,
Thanjavur District,
Thanjavur.

2)The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3)The Tahsildar,
Peravurani Taluk,
Thanjavur District.

4)The Revenue Inspector,
Peravurani Taluk,
Thanjavur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent No.1 to dispose of the appeal petition preferred by the petitioner dated 08.10.2016 and grant patta to the petitioner's property within the time period stipulated by this Court.

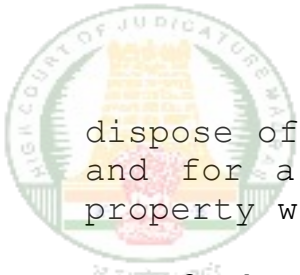
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

(Order of the Court was made by S.VIMALA, J)

<https://hcservices.ecourts.gov.in/hcservices/>
This Writ of Mandamus has been filed seeking a direction to the 1st respondent/District Collector, Thanjavur District, to



dispose of the Appeal preferred by the petitioner dated 08.10.2016 and for a further direction to grant patta to the petitioner's property within a time frame.

2.The case of the petitioner is that the land to an extent of 8½ cents in S.No.202/2, Nattanikottai Village, Peravurani Taluk, Thanjavur District, was originally purchased by the petitioner's father Karuppan, by way of sale deed dated 18.05.1981. It is the claim of the petitioner that after the demise of his father, he is in possession and enjoyment of the land. While so, the 3rd respondent has issued a Notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905(hereinafter referred to as "the Act") on 24.08.2016, seeking eviction of the petitioner from the land, which is without any authority of law. It is his further grievance that the property in question is described as 'Anatheenam', for which, there is no basis at all.

3.It is the contention of the learned counsel for the petitioner that without issuing Notice under Section 7 of the Act, Notice issued under Section 6 of the Act, is without jurisdiction and therefore, the proceedings initiated for eviction itself are not maintainable. Expressing his grievance, the petitioner has preferred an Appeal before the 1st respondent/District Collector on 08.10.2016.

4.According to the learned counsel for the petitioner, it is suffice, if the Appeal preferred by the petitioner is disposed of by the 1st respondent within a time frame to be fixed by this Court.

5.The learned Special Government Pleader appearing for the respondents would submit that it is agreeable for the 1st respondent to dispose of the Appeal preferred by the petitioner within a time frame.

6.Recording the submission made by the learned Special Government Pleader, this Writ Petition is disposed of directing the 1st respondent to dispose of the Appeal preferred by the petitioner dated 08.10.2016, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that in the meantime, status-quo as on today shall be maintained. No costs. Consequently, W.M.P(MD)No.14280 of 2016 is closed.

Sd/-
Assistant Registrar(Crl)

/True copy/

Sub Assistant Registrar



To

1) The District Collector,
Thanjavur District,
Thanjavur.

WEB COPY

2) The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3) The Tahsildar,
Peravurani Taluk,
Thanjavur District.

4) The Revenue Inspector,
Peravurani Taluk,
Thanjavur District.

+1 cc to The Special Government Pleader in SR.No. 60789
+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No. 60715

NBI/RR
CSL/SS-2/18.11.2016: 3P/7C

W.P(MD)No.19786 of 2016
and W.M.P(MD)No.14280 of 2016
14.10.2016