



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.19792 of 2016

and

W.M.P (MD) No.14288 of 2016

V.R.Deva

... Petitioner

vs.

1)The District Collector,
Sivagangai,
Sivagangai District.

2)The Tahsildar,
Taluk Office,
Karaikudi Taluk,
Sivagangai District.

3)The Zonal Deputy Tahsildar,
Taluk Office,
Karaikudi Taluk,
Sivagangai District.

4)Arulraj,
Village Administrative Officer,
Kalanivasal, Karaikudi Taluk,
Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 from evicting the petitioner from the premises in S.No.228/1 measuring 0.00.22 ares of Kalanivasal Village, Karaikudi Taluk and District till the disposal of the petitioner's appeals dated 12.09.2016 and 07.10.2016 along with the stay petitions pending before the 1st respondent.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.M.Rajarajan, Government Advocate



ORDER

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

This Writ of Mandamus has been filed seeking a direction to the respondents 2 to 4 not to evict the petitioner from the premises in S.No.228/1, measuring 0.00.22 ares of Kalanivasal Village, Karaikudi Taluk and District, till the disposal of the petitioner's Appeals dated 12.09.2016 and 07.10.2016 respectively, along with the stay petitions pending before the 1st respondent.

2.The factual matrix of the case is as under:-

The petitioner is running a Tea Shop in S.No.228/1; the land has been classified as Government Punja; the shop is assessed to property tax and the petitioner is paying the same from 2009 to till date; the petitioner is also paying tax to the Village Panchayat; the Electricity connection of the abovesaid shop also stands in the name of the petitioner; he is also regularly paying electricity charges; while so, the 3rd respondent, by notice dated 30.08.2016, asked the petitioner to show cause as to why he should not be levied tax and evicted from the building as contemplated under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and challenging the said notice, the petitioner has preferred an Appeal under Section 10 of the Act before the 1st respondent on 12.09.2016 along with an application for stay.

3.It is the grievance of the petitioner that when the Appeal preferred by him is pending, especially with an application for stay, it is unjustifiable on the part of the 1st respondent to effect the eviction and in fact there is a threat to evict the petitioner by tomorrow(15.10.2016).

4.The learned Government Advocate appearing for the respondents fairly submitted that it is agreeable for the 1st respondent to dispose of the Appeal preferred by the petitioner within a time frame.

5.Recording the submission made by the learned Government Advocate, this Writ Petition is disposed of directing the 1st respondent to dispose of the statutory Appeal dated 12.09.2016 preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a period of four 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.14288 of 2016 is closed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/



1)The District Collector,
Sivagangai,
Sivagangai District.

2)The Tahsildar,
Taluk Office,
Karaikudi Taluk,
Sivagangai District.

3)The Zonal Deputy Tahsildar,
Taluk Office,
Karaikudi Taluk,
Sivagangai District.

+1cc to Mr.R.Subramanian, Advocate SR.No.60755
+1cc to special Government Pleader SR.No.60712

NBI/RR
sm:KM:18/11/2016:3P/6C

W.P (MD) No.19792 of 2016
14.10.2016