

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.Nos.6459 to 6463 of 2017

V.Usha	.. Petitioner in W.P.No.6459/2017
Elumalai	.. Petitioner in W.P.No.6460/2017
Kubendran	.. Petitioner in W.P.No.6461/2017
Muniyappan	.. Petitioner in W.P.No.6462/2017
Vattan	.. Petitioner in W.P.No.6463/2017
Vs.	
1. The District Collector Thiruvannamalai.	
2. The Tahsildar Thandarampattu Taluk Thiruvannamalai District.	.. Respondents

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 2nd respondent not to take any coercive action on the petitioners with respect to their possession of land and building measuring to an extent of 5 cents comprised in Sy.No.148, Kalaignar Nagar, Perunkulathur Village, Thandarampattu Taluk, Thiruvannamalai District till such time the Statutory Appeals filed by the petitioners on 2.3.2017 under Section 10 of the Tamil Nadu Land Encroachment Act 1905 are heard and decided by the 1st respondent on merits.

For Petitioners : Mr.P.Vasanth

For Respondent : Mr.R.Vijayakumar
Additional Govt. Pleader

COMMON ORDER

(Order of the Court was made by the Acting Chief Justice)

Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the respondents.

2. The petitioners have filed these writ petitions seeking a direction to the second respondent not to take any coercive action with respect to their possession of land and building measuring an extent of 5 cents comprised in Sy.No.148, Kalaignar Nagar, Perunkulathur Village, Thandarampattu Taluk, Thiruvannamalai District till such time the Statutory Appeals filed by the petitioners on 2.3.2017 under Section 10 of the Tamil Nadu Land Encroachment Act 1905 are heard and decided by the 1st respondent on merits.

3. The petitioners claim to be poor villagers and are in possession and enjoyment of land and building measuring an extent of 5 cents comprised in Sy.No.148, Kalaignar Nagar, Perunkulathur Village, Thandarampattu Taluk, Thiruvannamalai District. The petitioners have made several representations to the respondent authorities seeking patta, but the same remain unattended. While things stood thus, the second respondent issued notice under Section 7 of the said Act on 8.2.2017. The petitioners submitted their replies to the same. It is alleged that without conducting any enquiry and affording an opportunity of hearing, the second respondent has now issued notice of eviction under Section 6 of the said Act on 24.2.2017. Assailing the same, the petitioners have filed statutory appeals on 2.3.2017 before the first respondent along with applications for stay. However, no orders were passed on the same. Alleging that the second respondent is attempting to take coercive action of eviction pending disposal of the appeals, the present writ petitions are filed.

4. Admittedly, as on date the appeals filed by the petitioners under Section 10 of the said Act are pending consideration before the first respondent.

5. Under such circumstances, we direct the first respondent to consider the appeals filed by the petitioners on 2.3.2017 and dispose of the same in accordance with law. We make it clear that till the first respondent disposes of the appeals as directed above, no coercive action shall be taken against the

petitioners.

These writ petitions are disposed of accordingly. No costs. Consequently, W.M.P.Nos.6967 to 6971 of 2017 are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To:

1. The District Collector
Thiruvannamalai.
2. The Tahsildar
Thandarampattu Taluk
Thiruvannamalai District.

+1 CC to Mr. P. Vasanth, Advocate sr 16586

+1 CC to Govt. Pleader sr 17052

W.P.Nos.6459 to 6463 of 2017

RK(CO)
sp/27/3

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