

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.8647 of 2017

and

W.M.P.No.9451 of 2017

K.Logammal

.. Petitioner

vs.

1. The District Collector,
Sathuvachari,
Vellore District.
 2. The Revenue Divisional Officer,
Ranipet, Vellore District.
 3. The District Superintendent of Police,
Sathuvachari,
Vellore District - 9.
 4. The Sub-Inspector of Police,
Law & Order,
Thakkolam,
Vellore District.
- .. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of forbearing the second respondent from interfering with the possession of the petitioner's land comprised in Survey No.6, Murungai Village, measuring an extent of 0.64.0 Hectares and consequently direct the second respondent to adhere to the procedure to remove the encroachment after the order of the first respondent dated 26.08.2016 made in Na.Ka.No.B4/1590/2013 received by the petitioner on 31.08.2016.

For Petitioner : Mrs.G.Thilagavathy
Senior Counsel
for M/s.R.Gopinath

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader
for all respondents

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

In this writ petition, the petitioner has sought orders restraining the second respondent from interfering with the possession of the petitioner's land comprised in Survey No.6, Murungai Village, measuring an extent of 0.64.0 Hectares and to direct the second respondent to adhere to the procedure to remove the encroachment as per the order of the first respondent dated 26th August, 2016 in Na.Ka.No.B4/1590/2013, received by the petitioner on 31st August, 2016.

2. The petitioner was in possession of about 0.64.0 Hectares of agricultural lands situated in Survey No.6 of Murungai Village, Arakkonam Taluk.

3. Notice under Section 5 of the Tamil Nadu Land Encroachment Act, 1905, hereinafter referred to as "the said Act" was issued by the Tahsildar, Arakkonam on 10th June, 2013. On 03rd January, 2014, notice under Section 6 of the said Act was issued. Against the order passed under Section 6 of the said Act, an appeal has been filed before the Government and the same is pending.

4. In view of the aforesaid appeal, the writ petition has become infructuous. No order need to be passed in the writ petition. The writ petition is dismissed as infructuous. All questions are left open to be decided in the appeal. The appeal shall be decided by the Government expeditiously, preferably within a period of two (2) months from the date of the communication of this order, after giving the petitioner further opportunity of hearing, if the appeal has not already been disposed of. No costs. Consequently, W.M.P.No.9451 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The District Collector,
Sathuvachari,
Vellore District.
2. The Revenue Divisional Officer,
Ranipet, Vellore District.
3. The District Superintendent of Police,
Sathuvachari,
Vellore District -9.
4. The Sub-Inspector of Police,
Law & Order,
Thakkolam,
Vellore District.

+1cc to the Government Pleader, S.R.No.22081

kgk(CO)
md(12/04/2017)

W.P.No.8647 of 2017



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