

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.5867 of 2017

P.Ramasamy

.. Petitioner

Vs.

1 The District Collector
Thiruvallur District
Collectorate
Thiruvallur - 602 001.

2 The Tahsildar
Ambattur Taluk
Tiruvallur High Road
Gandhi Nagar, Ambattur
Chennai, Tamil Nadu - 600 053.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the 2nd respondent pertaining to Na.Ka.No.370/2017/C1, dated 13.2.2017 and quash the same as illegal, arbitrary and non est in law.

For Petitioner

Mr.B.Vijay

For Respondents

Mr.R.Vijayakumar

Addl. Government Pleader

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 petitioner has filed this writ petition seeking issuance of a Writ of Certiorari to call for the records of the 2nd respondent pertaining to Na.Ka.No.370/2017/C1, dated 13.2.2017 and quash the same as illegal, arbitrary and non est

in law.

3. The petitioner is a disabled person and he is running a shop in a small piece of government lease land. He sought assignment of the leased land, but no orders were passed by the Government till date. While things stood thus, the petitioner was served with a notice under Section 7 of the Tamil Nadu Land Encroachment Act on 1.12.2016. The petitioner filed his objection to the same on 8.12.2016 and thereafter, the second respondent issued the impugned eviction order dated 13.2.2017 under Section 6 of the said Act. Assailing the same, the petitioner has also preferred appeal along with stay petition before the first respondent/District Collector and the same is pending consideration. Apprehending that the respondent authorities will initiate coercive action against him, the petitioner has filed this writ petition.

4. On hearing the learned counsel for the parties and considering the facts and circumstances of the case, we direct the first respondent to consider the appeal and stay petition filed by the petitioner on 14.2.2017 and pass appropriate orders, on merits and in accordance with law, within two months from the date of receipt of a copy of this order. Till the disposal of the appeal, no coercive steps shall be taken by the respondent authorities.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.6282 and 6283 of 2017 are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sasi

To:

1 The District Collector
Thiruvallur District
Collectorate, Thiruvallur - 602 001.

2 The Tahsildar
Ambattur Taluk, Tiruvallur High Road
Gandhi Nagar, Ambattur
Chennai, Tamil Nadu - 600 053.

+1cc to M/s.B.Vijay,Advocate sr.14986

+1cc to Government Pleader sr.15251

W.P.No.5867 of 2017

ad(co)
ss(20/3/2017)