

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.12274 of 2017 and
W.M.P.Nos. 12331, 13052 and 13053 of 2017

1. N. Arumugam
2. N. Gopalakrishnan
3. A. Akbar Ali
4. S. Velu
5. A. Jakir Hussain
6. T. Barakathulla
7. M. Mubarak
8. B. Jahoor
9. S. Jayanthi
10. K. Mariyammal
11. E. Kumari
12. K. Lakshmanan
13. S. Varadhammal
14. K. Abdul Rahiman
15. M. Renuga

...Petitioners

Vs.

1. The District Collector,
Collector Office, Kancheepuram,
Kancheepuram District.
2. The Tahsildar,
Office of the Tahsildar,
Chengalpattu, Kancheepuram District.
3. The Revenue Inspector,
Office of the Tahsildar,
Singaperumalkoil, Kancheepuram District.
4. The Village Administrative Officer,
Office of the Tahsildar,
Singaperumalkoil, Kancheepuram District.

...Respondents

PETITION is filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, calling for the records of the 3rd respondent's notice under Act 3, Section 6 & 7 dated 18.03.2017 and 04.04.2017 and quash the same and direct the 1st respondent, not to evict the petitioners from their dwelling place i.e., land admeasuring 0.0.1 ares out of 0.488 ares comprised in Survey No. 29, situated at Periyavinjiyambakkam, Singaperumalkoil, Kancheepuram District.

For Petitioner : Mr. D. Prasanna
For Respondents : Mr. R. Vijayakumar, AGP

O R D E R

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

The challenge in this writ petition is to the order of eviction passed by the competent authority under the provisions of Tamil Nadu Land Encroachment Act, 1905.

2. Section 10(1) of the said Act contemplates Appeal to the District Collector against the order of eviction and Section 10 (B) provides for stay pending decision, appeal or revision. Such being an alternative remedy provided to the writ petitioner under the Act, the present Writ Petition filed before this Court need not be entertained at this point of time.

3. However, the learned Counsel appearing for the petitioner submitted that he had already filed a Review Petition before the District Collector on 11.04.2017, which is pending before the District Collector.

4. This Court is of the view that the said Review Petition can be treated as an appeal under section 10 (1) of the said Act and accordingly, the same may be considered and disposed of in accordance with the law by providing opportunities to all the persons concerned. Hence, no further adjudication is required in this Writ Petition and it is suffice to direct the District Collector / the first respondent, to consider the appeal filed by the Writ Petitioners and pass appropriate orders as early as possible on merits and in accordance with law.

Accordingly, the Review Petition shall be treated as Appeal and the Writ Petition stands disposed of. No Costs. Consequently, connected WMPs are also closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

pvs/ak

To

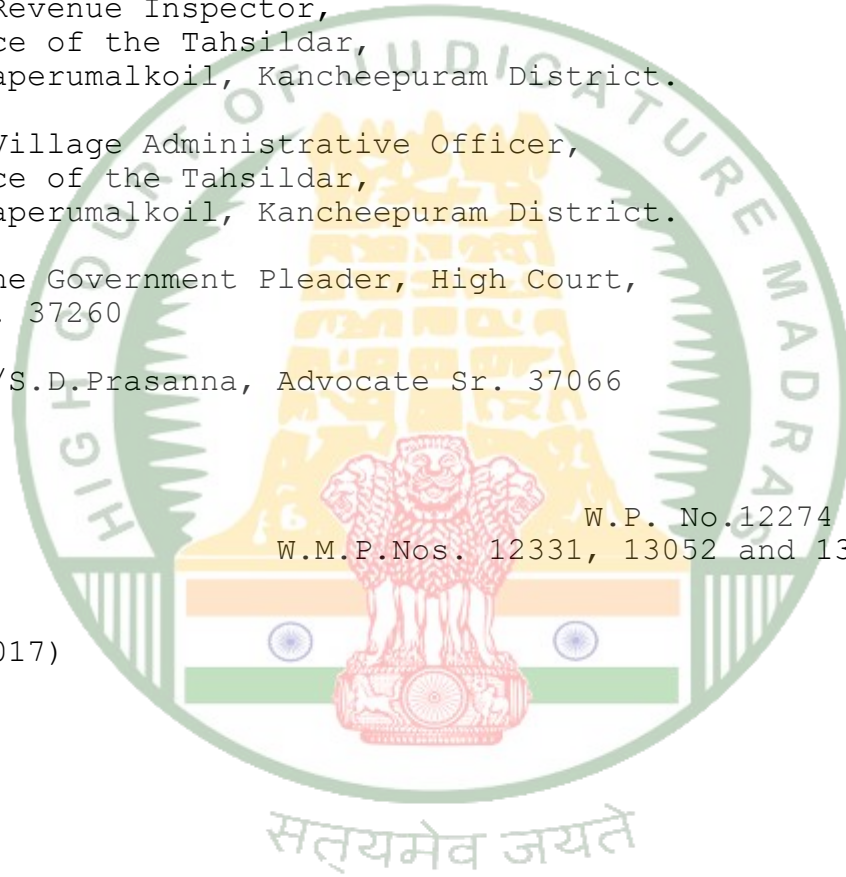
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4. The Village Administrative Officer,
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Singaperumalkoil, Kancheepuram District.

+1cc to the Government Pleader, High Court,
Madras Sr. 37260

+1cc to M/S.D.Prasanna, Advocate Sr. 37066

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SS(CO)
VR(18/5/2017)



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