

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN
And
THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.29501 of 2017
and WMP.No.31806 of 2017

S.Babu ... Petitioner

vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Revenue Divisional Officer,
Tiruvallur, Tiruvallur District.

3.The Tahsildar,
Poonamallee Taluk,
Poonamallee, Chennai-56.

4.The Commissioner,
Poonamallee Municipality,
Poonamallee, Chennai-56.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to forthwith take up the petitioner's appeal along with petition for interim stay dated 13.11.2017 (received on 14.11.2017 at the office of the 1st respondent) preferred against the notices N.K.No.2242/2016/B1 dated 10.11.2017 on the file of the 3rd respondent and to decide the same on merits and in accordance with law, without evicting the petitioner from his property having an extent of 3 cents, comprised in Survey No.246/2 (with Door No Old No.4, New No.3, Amman Koil Street) in Kattupakkam - Kumananchavadi Village in Poonamallee Taluk, Tiruvallur District.

For Petitioner :Mr.R.Neelakandan

For Respondents:Mrs.M.E.Raniselvam,
Additional Government Pleader for R1 to R3
Mr.R.Sivakumar for R4

O R D E R

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

By consent, this Writ Petition is taken up for final disposal.

2. Grievance expressed by the petitioner is that he has filed an appeal along with a petition for stay before the first respondent, challenging the order dated 10.11.2017 passed by the third respondent and neither the appeal nor the stay petition has been taken up for disposal and as a consequence, apprehending that the order which is the subject matter of challenge is likely to be implemented and in that event, he will be put to grave hardship and irreparable loss, came forward to file this writ petition.

3. The Writ Petition was entertained on 17.11.2017 and notice was ordered to the respondents. When the matter is called today, the learned counsel appearing for the petitioner, on instructions, would submit that the first respondent has issued a notice fixing the date of hearing in the appeal petition today (24.11.2017) at 4.30p.m. and he may be granted liberty to pursue his remedy.

4. This Court has considered the submission made by the learned counsel appearing for the petitioner and also perused the materials placed before it.

5. In the light of the said development, nothing survives for adjudication in this writ petition. However, the first respondent shall make every endeavour to dispose of the appeal as well as the petition for stay filed by the petitioner on merits and in accordance with law as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is closed subject to the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The District Collector,
Tiruvallur District, Tiruvallur.

2.The Revenue Divisional Officer,
Tiruvallur, Tiruvallur District.

3.The Tahsildar,
Poonamallee Taluk, Poonamallee, Chennai-56.

4.The Commissioner,
Poonamallee Municipality,
Poonamallee, Chennai-56.

+1cc to Government Pleader SR.No.84209

+1cc to Mr.R.Neelakandan, Advocate Sr.No.84305

W.P.No.29501 of 2017
1/2

sm:13.12.2017



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