

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.39241 of 2015

R.Chandrasekaran ... Petitioner

-vs-

1.The Additional Chief Secretary &
Commissioner, Land and Administration,
Chepauk, Chennai 600 005.

2.The District Collector,
Nagapattinam District.

3.The Sub-Collector,
Myladuthurai, Nagapattinam District.

4.The Tahsildar,
Kuttalam, Nagapattinam District.

5.The Executive Officer,
Kuttalam Town Panchayat,
Kuttlaam, Nagapattinam District.

6.Ramalingam

7.Perumal

सत्यमेव जयते .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 5th respondent to implement the orders of the 4th respondent made vide proceedings in Na.Ka.No.2890/2014/A6 dated 27.10.2014 and proceedings in Na.Ka.No.4673/2014/A6 dated 09.02.2015 by removing the encroachment made by the 6th and 7th respondents in survey number 734 situated at Soleeswarar Temple Lane, Kuttalam Village and Taluk, Nagapattinam District, in a time bound manner.

For Petitioner : Mr.L.S.M.Hassan Fazil
for Mr.A.Mohamed Ismail

For Respondents : Mrs.Vasudha Thiagarajan
Addl.G.P. for RR 1 to 4
: Mr.S.V.Durai Solaimalai for R-5
: Mr.A.Muthukumar for R-7
: No appearance for R-6

O R D E R

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

The petitioner seeks implementation of the orders of the fourth respondent made vide proceedings dated 27.10.2014 and dated 09.02.2015 for removal of encroachments by sixth and seventh respondents in S.No.734 situated at Soleeswarar Temple Lane, Kuttalam Village and Taluk, Nagapattinam District.

2.Learned counsel appearing for the seventh respondent states that there has been prior history of private litigation between the brothers of the petitioner and the seventh respondent in which the seventh respondent succeeded right till the High Court in second appeal. He, further, submits that the order of which implementation is sought was passed at the back of the seventh respondent and that an appeal has been filed by the seventh respondent before the third respondent on 04.01.2016.

3.We are, thus, of the view that the only direction to be passed in this matter is for the appeal of the seventh respondent to be decided by the third respondent within the maximum period of three (3) months from the date of receipt of the order, after notice to all concerned and dependent on the fate of the appeal, would it be examined by the fourth and fifth respondents as to what action, if any, is required to be taken.

Writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Additional Chief Secretary &
Commissioner, Land and Administration,
Chepauk, Chennai 600 005.
- 2.The District Collector,
Nagapattinam District.
- 3.The Sub-Collector,
Myladuthurai, Nagapattinam District.
- 4.The Tahsildar,
Kuttalam, Nagapattinam District.
- 5.The Executive Officer,
Kuttalam Town Panchayat,
Kuttlaam, Nagapattinam District.

+1cc to M/s. S.V. Durai Solaimalai, Advocate, S.R.No.4648
+1cc to Mr/s.A. Muthukumar, Advocate, S.R.No.4455
+1cc to M/s. A. Mohamed Ismail, Advocate S.R.No.4514
+1cc to M/s. S. Rajendran, Advocate SR.4778

RSK(CO)
EU 1.02.17

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सत्यमेव जयते

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