

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.24591 of 2018 and
WMP Nos.28621 and 28622 of 2018

R.Karuppannan ...Petitioner

-vs-

- 1.The District Collector,
Villupuram District, Villupuram.
- 2.Sub-Collector,
Tindivanam, Villupuram District.
- 3.The Tahsildar,
Tindivanam Taluk,
Tindivanam.
- 4.Special Officer/Block Development Officer,
Vellimedupettai Panchayat,
Olakkur Panchayat Union,
Olakkur, Villupuram District. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent made in notice under Section 6 of the Land Encroachment Act, 1905 Notice bearing letter No.Nil dated 31.08.2018 served on the petitioner dated 08.09.2018 and quash the same and further direct the first respondent to issue patta to the petitioner in respect of lands measuring 16 cents in S.No.41/2 (now 41/6) of Puthananthal Village, Vellimedupettai Panchayat, Olakkur Panchayat Union, Tindivanam Taluk.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.J.Pothiraj
Special Govt.Pleader for R1 to R3

Mr.K.Ravikumar,
Addl.Govt.Pleader for R4

O R D E R

[Order of the Court was delivered by
K.K.SASIDHARAN, J.]

The challenge in this writ petition is to the order dated 31 August 2018 directing the petitioner to remove the encroachment stated to have been made on a public property in S.No.41/2 (now 41/6) of Puthananthal Village, Vellimedupettai Panchayat, Olakkur Panchayat Union, Tindivanam Taluk.

2. The petitioner has filed an appeal challenging the said order dated 31 August 2018 before the second respondent.

3. The learned counsel for the petitioner on instructions submitted that the Appellate Authority is yet to entertain the appeal. According to the learned counsel, in case, the hearing of the appeal is delayed, there is every possibility of evicting the petitioner from the subject premises.

4. We have perused the copy of the appeal memorandum submitted by the petitioner before the second respondent.

5. We direct the second respondent to entertain the appeal filed by the petitioner invoking Section 10 of the Land Encroachment Act, 1905, if the same is otherwise in order. The Appellate Authority shall also take up the stay petition filed by the petitioner under Section 10-B of the Land Encroachment Act to maintain status quo during the currency of the appeal. The interim application shall be considered and appropriate orders should be passed as expeditiously as possible and in any case within a period of four weeks from the date of receipt of a copy of this order. Status quo as on today shall be maintained till orders are passed either in the stay petition or in the main appeal itself by the second respondent.

6. In case, the appeal should be preferred before the District Collector, the second respondent shall forward the papers to the District Collector and the direction given to the second respondent to pass orders would equally apply to the District Collector of the concerned district.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Villupuram District, Villupuram.
- 2.Sub-Collector,
Tindivanam, Villupuram District.
- 3.The Tahsildar,
Tindivanam Taluk,
Tindivanam.
- 4.Special Officer/Block Development Officer,
Vellimedupettai Panchayat,
Olakkur Panchayat Union,
Olakkur, Villupuram District.

+2cc to Mr.M.Gnanasekar, Advocate, S.R.No.64641

W.P.No.24591 of 2018

GSP(18/09/2018)

सत्यमेव जयते

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