

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:08.11.2018

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

AND

THE HONOURABLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.23301 of 2018

and

W.M.P.Nos.27170 & 27188 of 2018

1.Mahboob Basha

2.Habisa

3.Noorjhan

.. Petitioners

Vs.

1.The District Collector,
Singaravelam Maligai,
Chennai District,
Chennai - 600 001.

2.The District Revenue Officer,
Chennai District,
Chennai - 600 001.

3.The Revenue Divisional Officer,
Egmore Division, Chennai - 600 031.

4.The Tahsildar,
Guindy Taluk,
Chennai - 600 032.

5.The Director,
King Institute of Preventive Medicine and Research,
Guindy, Chennai - 600 032.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records of the 4th Respondent pertaining to the notice dated 28.08.2018 issued by the 4th Respondent and to quash the same as illegal and ultra vires.

For Petitioners : Mr.T.S.Baskaran

For Respondents : Mr.J.Pothiraj
Special Government Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard both sides.

2.The Learned Counsel for the Petitioners brings it to the notice of this Court that the Petitioners have preferred an Appeal dated 26.09.2018 before the 1st Respondent/District Collector, Chennai District as against the Notice dated 28.08.2018 issued under Section 6 of the Land Encroachment Act, 1905 by the 4th Respondent requiring them to vacate from the land, which is in their occupation/enjoyment, mentioned in the schedule in a detailed manner within seven days from the date of receipt of copy of the same and also to remove the crops, produce, buildings and constructions put up therein as well as the articles kept therein etc.

3.Mr.J.Pothiraj, Learned Special Government Pleader for the Respondents fairly submits that the Petitioners' Appeal dated 26.09.2018 will be disposed of by the 1st Respondent/District Collector, Chennai District within a reasonable time to be determined by this Court.

4.Hence, at this stage, this Court, simpliciter, without traversing upon the merits of the matter and also not delving deep into the same, directs the 1st Respondent/District Collector, Chennai District, based on Equity, Fair Play, Good Conscience and even as a matter of prudence, to dispose of the Appeal dated 26.09.2018 within a period of eight weeks from the date of receipt of copy of this order. It cannot be gainsaid that the 1st Respondent shall provide a reasonable opportunity of hearing to the Petitioners and it is open to the Petitioners to avail the opportunity provided by the 1st Respondent without any loss of time and they are also directed to lend their unstinted cooperation and assistance to the 1st Respondent in disposing of the Appeal preferred by them within the time adumbrated by this Court. Moreover, the 1st Respondent shall pass a reasoned speaking order in a qualitative and quantitative fashion ascribing necessary reasons therefor, of course, advertng to the points raised by the Petitioners as Appellants in their Appeal dated 26.09.2018 and that too in a dispassionate manner. Before parting with the case, this Court makes it quite clear that if any documents are produced by the Petitioners in Appeal, they shall also be taken into consideration by the 1st Respondent

and the same shall stand reflected in the final orders to be passed by him in the subject matter in issue. Till final orders are passed in the Appeal by the 1st Respondent, the Petitioners' possession shall not be displaced/disturbed.

5. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District Collector,
Singaravelam Maligai,
Chennai District,
Chennai - 600 001.
2. The District Revenue Officer,
Chennai District,
Chennai - 600 001.
3. The Revenue Divisional Officer,
Egmore Division, Chennai - 600 031.
4. The Tahsildar,
Guindy Taluk,
Chennai - 600 032.
5. The Director,
King Institute of Preventive Medicine and Research,
Guindy, Chennai - 600 032.
6. The Government Advocate,
High Court, Madras.

+1cc to Mr.T.S.Baskaran, Advocate, S.R.No.76558

+1cc to the Government Pleader, S.R.No.76729

W.P.No.23301 of 2018

GSP(19/11/2018)