

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2018

CORAM:

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

W.P.No.25325 of 2018 and
WMP Nos.29466 and 29467 of 2018

- 1.K.Ezhumalai
- 2.K.Senthil Murugan
- 3.Thirunavukkarasu
- 4.A.Venkateshan
- 5.K.Arumugam
- 6.K.Perumal
- 7.M.Kanagasabai
- 8.B.Mohan
- 9.N.Anbzhagan
- 10.E.Senthil Murugan
- 11.R.Venkateshan
- 12.N.Ravichandran
- 13.T.Raja
- 14.S.Prakash

...Petitioners

-vs-

- 1.The District Collector,
Villupuram District, Villupuram.
- 2.The Revenue Divisional Officer,
Jaggampettai,
Tindivanam Taluk, Villupuram District.
- 3.The Tahsildar,
Tindivanam Taluk, Villupuram District.
- 4.The Block Development Officer,
Vellimedupettai Panchayat,
Olakkur Panchayat Union,
Olakkur, Villupuram District.
- 5.Arulmighu Mariamman Temple,
Rep. by its Head of the Committee N.Manipillai,
Thattaru Street, Villimettupettai,
Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent herein to take up the appeal preferred by the petitioners dated 20.09.2018 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and dispose of the same in accordance with law by conducting spot enquiry in respect of line shops occupied by the petitioners in the land bearing Survey No.41/2, Puthanandhal Village, Vellimedupettai, Tindivanam Taluk, Villupuram District.

For Petitioners : Mr.M.Venkadeshnan

For Respondents : Mr.J.Pothiraj
Special Govt.Pleader for R1 to R4

O R D E R

[Order of the Court was delivered by

K.K.SASIDHARAN,J.]

The petitioners have filed an appeal challenging the order dated 31 August 2018 directing them to remove the encroachment stated to have been made on a public property in Survey No.41/2, Puthanandhal Village, Vellimedupettai, Tindivanam Taluk, Villupuram District. The petitioners have come up with this writ petition to dispose of the appeal dated 20.09.2018.

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

3. We have perused the copy of the appeal memorandum submitted by the petitioners before the first respondent.

4. We direct the first respondent to dispose of the appeal filed by the petitioners invoking Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The Appellate Authority shall also take up the stay petition filed by the petitioners under Section 10-B of the Land Encroachment Act 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 first respondent. The

petitioners shall also be given a personal hearing by the Appellate Authority before passing ordres in the appeal.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Villupuram District, Villupuram.
- 2.The Revenue Divisional Officer,
Jaggampettai,
Tindivanam Taluk, Villupuram District.
- 3.The Tahsildar,
Tindivanam Taluk, Villupuram District.
- 4.The Block Development Officer,
Vellimedupettai Panchayat,
Olakkur Panchayat Union,
Olakkur, Villupuram District.

+1cc to Mr.M.Venkadeshnan, Advocate sr.no.67170
+1cc to Government Pleader sr.no.67407

W.P.No.25325 of 2018

br(co)
nr 25/10/2018

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