

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.10.2018

CORAM
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.28191 of 2018

S.Krishnan

..Petitioner

-vs-

1. The District Collector
Dharmapuri District
Collectorate, Dharmapuri 636 705

2. The Revenue Divisional Officer
Salem Bypass, Periyar Nagar
Harur, Dharmapuri District 636 903

3. The Tahsildar
Pappireddipatti Taluk
Dharmapuri District 636 905

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the notices dated 08.12.2017 and 09.01.2018 issued by the third respondent to the petitioner under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connection with the land measuring an extent of 0.55.0 hectares in S.No.442/1A and 0.10.00 hectares in S.No.442/1B in Alapuram Village, Pappireddipatti Taluk in Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the third respondent to issue patta for the said land in the name of the petitioner.

For Petitioner : M/s C.Uma

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.)

Heard the learned counsel for the petitioner. Mr.J.Pothiraj, learned Special Government Pleader takes notice for the respondents.

2. The challenge in this writ petition is to the final order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Admittedly, the order passed under Section 6 of the Land Encroachment Act is appealable under Section 10 of the said Act. There is a provision for stay of further proceedings also under Section 10-B of the said Act. In view of the same, we do not propose to entertain the writ petition.

4. We give liberty to the petitioner to file an appeal before the appropriate authority under Section 10 of the Land Encroachment Act. If the appeal is filed within a period of 15 days from the date of receipt of a copy of this order, the Appellate Authority shall entertain the appeal de hors the question of limitation. The stay petition shall be considered at the first instance. Till orders are passed in the stay petition, status quo prevailing as on date shall be maintained. In case, no appeal is filed within the period noted above, it is open to the statutory authority to proceed in accordance with law.

5. The writ petition is disposed of with the above direction. Consequently, W.M.P.Nos.32867, 32873 of 2018 are closed. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

ss

To

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3. The Tahsildar
Pappireddipatti Taluk
Dharmapuri District 636 905

+1cc to Ms.C.Uma, Advocate, S.R.No.73413

W.P.No.28191 of 2018

rrs 30/10/2018