

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3916 of 2019

Kalaiselvi

.. Petitioner

-vs-

- 1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
St. George Fort,
Chennai - 600 009.
- 2.The District Collector,
Kanchipuram District,
Kanchipuram.
- 3.The Tahsildar,
Sholinganallur Taluk,
Chennai - 600 119.
- 4.The Revenue Inspector,
Sholinganallur,
Sholinganallur Taluk,
Chennai - 600 119.
- 5.The Village Administrative Officer,
Injambakkam Village,
Chennai - 600 115.
- 6.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.
- 7.The Assistant Engineer,
Greater Chennai Corporation,
Injambakkam,
Chennai - 600 115.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd respondent to dispose the appeal dated 26.12.2018 filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, consequently forbearing the respondents from dismantling or evicting the petitioner from property shop and house in Door No.2/186, D.Hanuman Colony, Injambakkam, Chennai-600 115 in Survey No.234 of an extent of 80 Sq. Mtrs.

For Petitioner : Mr.N.Selvaraju

For Respondents : Mr.V.Jayaprakash
Narayanan
Government Pleader (i/c)
for respondent Nos.1 to 5

Mr.C.Ravichandran for
respondent Nos.6 and 7

ORDER

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

The case of the petitioner is that he had received notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and thereafter, he had received notice under Section 6 of the said Act. Being aggrieved by the said notice, the petitioner had preferred appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

2. The prayer of the petitioner is that respondent No.2 i.e., District Collector, Kanchipuram be directed to dispose of the appeal of the petitioner expeditiously and till then the respondents be directed not to dispossess the petitioner from his premises.

3. When appeal has been filed under Section 10 of the Tamil Nadu Land Encroachment Act, there is also a provision for filing stay application under Section 10-B of the said Act. Thus, we are not inclined to interfere. It is open to the petitioner to prefer stay application in the said appeal.

4. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P.No.4344 of 2019 is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
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Chennai - 600 115.

+1 CC TO GOVERNMENT PLEADER SR.NO.

+1cc to Mr.N.Selvaraju , Advocate SR.No. 13189

+1cc to Mr.C.Ravichandran , Advocate SR.No. 18335

W.P.No.3916 of 2019

A.SK (07/03/2019)