

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3059 of 2019
and W.M.P.Nos.3337 and 3338 of 2019

- 1.K.C.Kulandasamy
- 2.K.Devasundaram
- 3.P.Ramasamy
- 4.R.Periyasamy @ Appukutti
- 5.S.Palanisamy
- 6.S.Ponnusamy
- 7.N.Mohanraj
- 8.R.Thangavel
- 9.Velusamy
- 10.Loganathan
- 11.Duraisamy
- 12.A.Samiyappan
- 13.M.Shanmugasundaram
- 14.O.N.Palanisamy
- 15.P.Balamani
- 16.P.Saminathan

... Petitioners

-vs-

- 1.The Collector,
Erode District, Erode.

- 2.The Assistant Executive Engineer
(W.R.D.), Public Works Dept.,
Lower Bhavani Basin Sub Division
No.III, Kangayam 638 701.

- 3.The Assistant Engineer,
Public Works Department,
Irrigation Section (W.R.D)
Chennimalai 638 051, Erode District.

4.The Tahsildar,
Perundurai, Erode District.

5.The Junior Engineer (O&M)
West Pudupalayam, TANGEDCO,
Chennai 638 051, Erode District.

6.The Executive Engineer,
TANGEDCO, Erode Road,
Perundurai, Erode District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to pass orders on the stay application filed under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905, filed along with the appeal preferred by the petitioners under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, dated 28.01.2019 against the order of eviction dated 31.12.2018 on the file of the 2nd respondent and to stay the operation of the order of eviction passed by the 2nd respondent dated 31.12.2018.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate for RR 1 to 4
: Mr.S.K.Raameshwar
Stdg. Counsel for RR 5 and 6

O R D E R

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

Mr.S.Kamalesh Kannan, learned Government Advocate, takes notice for respondent nos.1 to 4 and Mr.S.K.Raameshwar, learned Standing Counsel, takes notice on behalf of respondent nos.5 and 6.

2.The case of the petitioners is that the petitioners have received notice under Section 7 and thereafter, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners have preferred an appeal to the concerned authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners have also preferred an application for stay to the concerned authority under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905.

3.The grievance of the petitioners is that they preferred the application for stay under Section 10-B of the said Act, on 28.01.2019 and till today, no order has been passed in the stay application.

4.In view of the above facts, the concerned authority, i.e., the first respondent/District Collector, Erode District, to dispose of the stay application preferred by the petitioners within a period of ten days from the date of receipt of a copy of this order. Till then, status quo as of today shall be maintained.

The writ petition is disposed of with the above direction. No costs. Consequently, W.M.P.Nos.3337 and 3338 of 2019 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1.The Collector,
Erode District, Erode.

2.The Assistant Executive Engineer
(W.R.D.), Public Works Dept.,
Lower Bhavani Basin Sub Division
No.III, Kangayam 638 701.

3.The Assistant Engineer,
Public Works Department,
Irrigation Section (W.R.D)
Chennimalai 638 051, Erode District.

4.The Tahsildar,
Perundurai, Erode District.

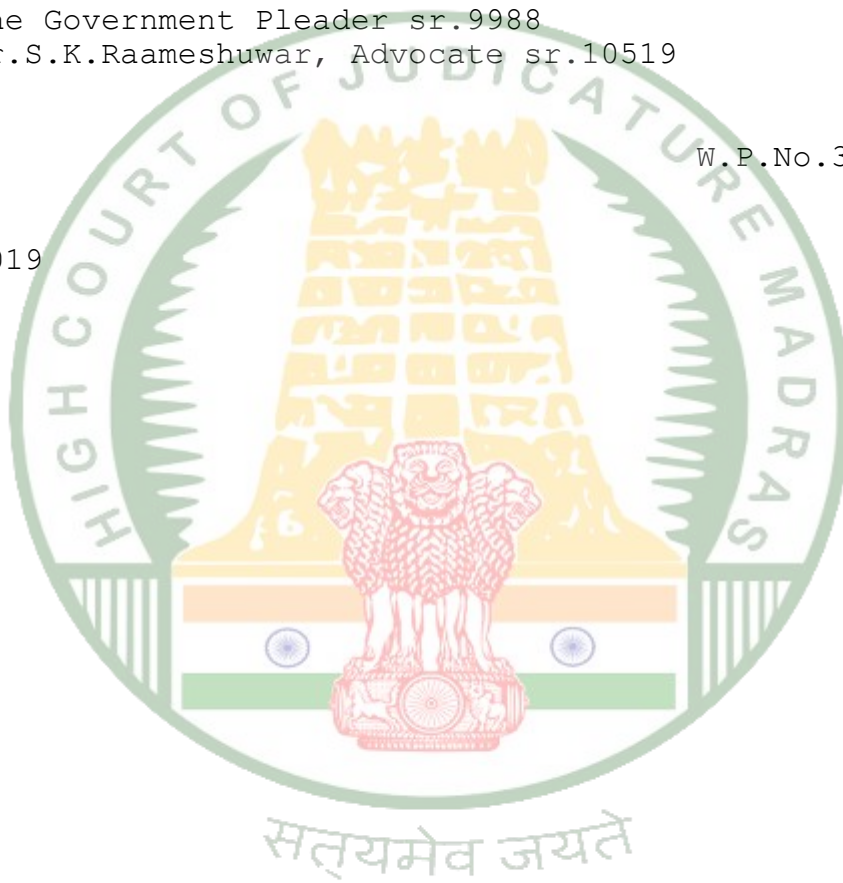
5.The Junior Engineer (O&M)
West Pudupalayam, TANGEDCO,
Chennai 600 051, Erode District.

6.The Executive Engineer,
TANGEDCO, Erode Road,
Perundurai, Erode District.

+1cc to Mr.S.Doraisamy, Advocate Sr.10163
+1cc to the Government Pleader sr.9988
+1cc to Mr.S.K.Raameshuwar, Advocate sr.10519

W.P.No.3059 of 2019

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