

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.36303 of 2005
and W.M.P.No.39173 of 2005

P.Gajendran ... Petitioner

-vs-

1.The Tahsildar,
Mambalam-Guindy Taluk,
Chennai 600 078.

2.The Revenue Inspector,
Mambalam-Guindy Firka,
Mambalam-Guindy Taluk,
Chennai 600 078.

3.The District Collector,
Chennai District, Singaravelar
Maaligai, Rajaji Salai,
Chennai 600 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records comprised in the proceedings of the first respondent in A2/10748/2005 dated 21.10.2005 under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and quash the same and consequently, issue a Mandamus to the respondents by directing them to grant patta in favour of the petitioner with respect to land situated in S.No.123/1 part, admeasuring approximately 3 cents in Velacherry village, Mambalam-Guindy Taluk, Chennai, in terms of G.O. Ms.No.168, Revenue dated 27.3.2000.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c.)

O R D E R
(Order of the Court was made by M.DURAISWAMY, J.)

The petitioner has challenged the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, in this writ petition.

2.The learned counsel appearing for the petitioner submitted that the petitioner has got remedy by way of appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the Appellate Authority. The petitioner has filed the writ petition without exhausting the appeal remedy under Section 10 of the said Act. The learned counsel submitted that the writ petition may be disposed of giving liberty to the petitioner to file appeal under Section 10 of the said Act, challenging the order passed under Section 6 of the said Act.

3.Further, the learned counsel submitted that the petitioner would file the appeal within a period of two weeks and the interim stay granted on 18.11.2005 by this Court may be extended for a period of two weeks.

In view of the submissions made by the learned counsel for the petitioner, the writ petition is disposed of giving liberty to the petitioner to challenge the impugned order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, before the Appellate Authority, under Section 10 of the said Act, within a period of two weeks from the date of receipt of a copy of this order. The interim stay granted on 18.11.2005 is extended for a period of two weeks, enabling the petitioner to file the appeal before the Appellate Authority. No costs. Consequently, WP.M.P.No.39173 of 2005 is closed.

Sd/-
Assistant Registrar (Insp.cell)

//True copy//

Sub Assistant Registrar

sra

To

1.The Tahsildar,
Mambalam-Guindy Taluk,
Chennai 600 078.

2.The Revenue Inspector,
Mambalam-Guindy Firka,
Mambalam-Guindy Taluk,
Chennai 600 078.

3.The District Collector,
Chennai District, Singaravelar
Maaligai, Rajaji Salai,
Chennai 600 001.

+lcc to Government Pleader SR.No.44708

W.P.No.36303 of 2005

KK(CO)
GMY(05/07/2019)



WEB COPY