

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.3515 of 2019
and W.M.P.No.3815 of 2019

Chinnammal

.. Petitioner

-vs-

1. The District Collector,
Salem District, Salem.

2. The Tahsildar,
Edappadi Taluk, Salem 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 consider the stay petition filed under Section 10 (B) of the Tamilnadu Land Encroachment Act, 1905, filed along with the Appeal dated 21.01.2019, filed against the order dated 12.01.2019 made in Roc.No. 4230/2018/A6 passed by the 2nd respondent.

For Petitioner : Mr.N.Manokaran

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

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सत्यमेव जयते

O R D E R

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

Heard the learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c.), who takes notice on behalf of respondents.

2.The case of the petitioner is that the petitioner received a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and thereafter, a notice dated 12.01.2019 under Section 6 of the said Act. After receiving the notice under

Section 6 of the said Act, the petitioner preferred an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The petitioner also preferred an application for stay in the said appeal under Section 10-B of the said Act. The stay application along with the appeal was preferred on 21.01.2019.

3.The grievance of the petitioner is that though the stay application was preferred on 21.01.2019, yet no orders have been passed thereon. The petitioner apprehends that if no stay is granted, he may be possibly evicted.

4.Looking to the fact that the appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, has been preferred by the petitioner and the petitioner has also preferred an application for stay, in our opinion, it would suffice if we direct respondent no.1, i.e., The District Collector, Salem District, Salem, to decide the stay application within a period of ten days of the receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P.No.3815 of 2019 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Salem District, Salem.

2. The Tahsildar,
Edappadi Taluk, Salem District.

+1 cc to Mr.N.Manoharan, Advocate, S.R.No.11066

+1 cc to the Government Pleader, S.R.No.11317

SR(CO)
SSM(26/02/2019)

W.P.No.3515 of 2019