

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.DURAISWAMY

W.P.Nos.4202 to 4208, 4211, 4216 and 4224 of 2019

1 P.JAYARAMAN ... PETITIONER in WP No.4202 of 2019
1 K.SHANMUGA SUNDARAM ... PETITIONER in WP No.4203 of 2019
1 K.ESWARAN ... PETITIONER in WP No.4204 of 2019
1 D.ANANDHA KUMAR
@ SARAVANA K ... PETITIONER in WP No.4205 of 2019
1 RAJESH ... PETITIONER in WP No.4206 of 2019
1 LIYAKATH ALI ... PETITIONER in WP No.4207 of 2019
1 KAJA ... PETITIONER in WP No.4208 of 2019
1 ABDUL HAKKIM ... PETITIONER in WP No.4211 of 2019
1 M.N.MAYILSAMY ... PETITIONER in WP No.4216 of 2019
1 P.SENTHILKUMAR ... PETITIONER in WP No.4224 of 2019

vs.

1 The Tahsildar
Coonoor Taluk
Coonoor - Nilgiris District.

2 The District Collector
Nilgiris District
Nilgiris. ... Respondents in all WPs

Prayer:

Writ Petition praying, writ of Certiorarified Mandamus by
Calling for the records comprised in the Proceedings of the 1st
respondent bearing No. Rc (A2) 4466/ 2017 dated 07.02.2019 and
quash the same and by directing the respondents herein not to in

any manner interfere with the peaceful possession and enjoyment of the property situate at

SURVEY NO.		MEASUREMENT
WP.4202 /2019	B/22/22	0.00.24 Hectares
WP.4203 /2019	B/22/22	0.00.10 Hectares
WP.4204 /2019	B/22/11	0.00.10 Hectares
WP.4205 /2019	B/59/4	0.00.16 Hectares
WP.4206 /2019	B/22/11	0.00.7 Hectares
WP.4207 /2019	B/59/4	0.00.18 Hectares
WP.4208 /2019	B/22/10	0.00.62 Hectares
WP.4211 /2019	B/22/25	0.00.10 Hectares
WP.4216 /2019	B/22/14	0.00.12 Hectares
WP.4224 /2019	B/22/22	0.00.20 Hectares

Respectively

For Petitioner in all : Mr.T.T.Ravichandran
writ petitions

For Respondents in all : Mr.V.Jayaprakash Narayanan
writ petitions Government Pleader (i/c.)

COMMON ORDER

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

Heard the learned counsel for the petitioners and the learned Government Pleader (i/c.) for the respondents.

2. The case of the petitioners is that they were issued notices dated 10.5.2018 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Thereafter, the petitioners were issued notices under Sections 6 and 7 of the said Act on 7.2.2019. The prayer of the petitioners is that the said notices be quashed and directions be issued to the authorities that they should not in any manner interfere with the peaceful possession and enjoyment of the properties of the petitioners situated in Coonoor Town Revenue Village, Coonoor Municipality, the particulars of which are as under:

W.P.No.	Survey No.	Extent
W.P.No.4202/2019	B/22/22	0.00.24 Hectares
W.P.No.4203/2019	B/22/22	0.00.10 Hectares
W.P.No.4204/2019	B/22/11	0.00.10 Hectares
W.P.No.4205/2019	B/59/4	0.00.16 Hectares
W.P.No.4206/2019	B/22/11	0.00.07 Hectares
W.P.No.4207/2019	B/59/4	0.00.18 Hectares
W.P.No.4208/2019	B/22/10	0.00.62 Hectares
W.P.No.4211/2019	B/22/25	0.00.10 Hectares
W.P.No.4216/2019	B/22/14	0.00.12 Hectares
W.P.No.4224/2019	B/22/22	0.00.20 Hectares

3. The petitioners have been issued notices under Sections 6 and 7 of the Act. Against a notice under Section 6 of the said Act, the petitioners have a remedy of appeal under Section 10 of the said Act. The petitioners can also prefer an application for stay in the said appeal if they apprehend that they may be dispossessed during the pendency of the appeal.

4. The learned counsel for the petitioners stated that as the notices dated 7.2.2019 mention that the petitioners have to vacate the premises within 48 hours, he apprehends that the petitioners would be dispossessed from the said property.

5. Looking to all the above facts, we relegate the petitioners to the remedy of preferring an application for stay in the appeal. Status-quo to be maintained for a period of 48 hours from today.

6. The writ petition is disposed of with the above observations. No costs. Consequently, W.M.P.Nos.4719, 4724, 4725, 4723, 4726, 4727, 4730, 4731, 4747 and 4750 of 2019 are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

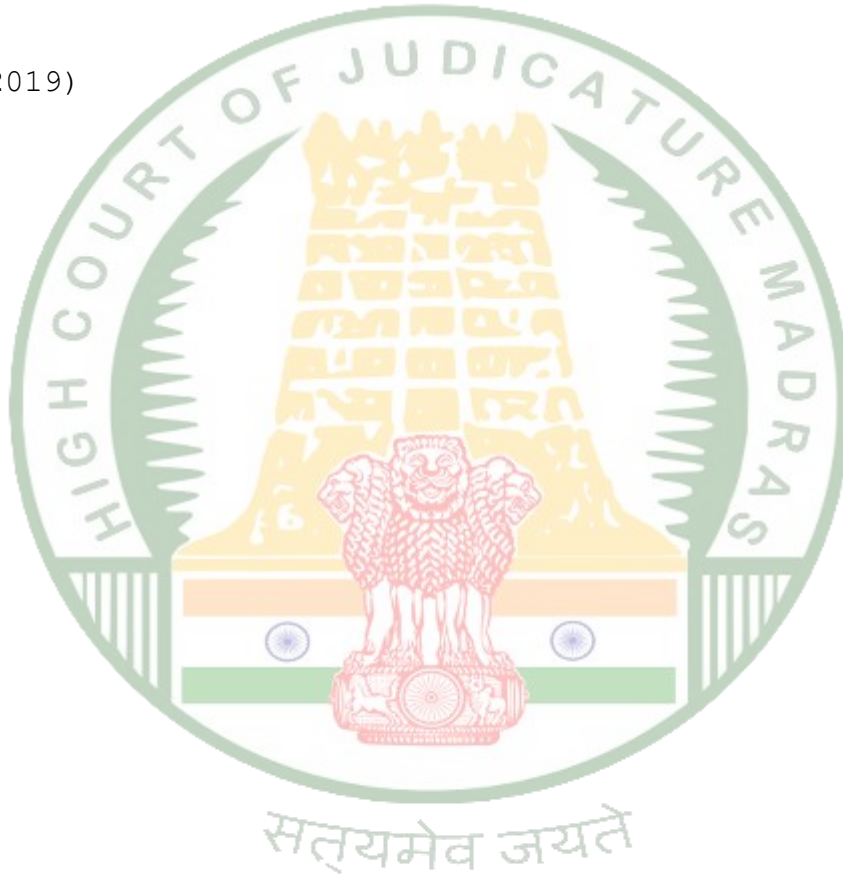
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To:

- 1 The Tahsildar
Coonoor Taluk
Coonoor - Nilgiris District.
- 2 The District Collector
Nilgiris District
Nilgiris.

W.P.Nos.4202 to 4208, 4211, 4216 and 4224 of 2019

GN(14/02/2019)



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