

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.02.2019

CORAM
THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.Nos.5729, 5733 and 5738 of 2019

Devi .. Petitioner in WP.5729/19
C.N.Sowndarya ... Petitioner in WP.5733/19
K.Jayaraman .. Petitioner in WP.5738/19

-vs-

- 1.The Tahsildar
Coonoor Taluk
Coonoor - Nilgiris District.
- 2.The District Collector
Nilgiris District, Nilgiris. ... Respondents in all WPs.

Prayer in WP.No.5729 of 2019:

Issue a Writ of Certiorarified Mandamus or any other order or direction in the nature of a Writ of Certiorarified Mandamus by calling for the records comprised in the proceedings of the 1st respondent bearing No. Rc (A2) 4466/2017 dated 7.2.2019 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. B/22/10 measuring about 0.00.08 Hectares which is comprised in the above proceedings and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

Prayer in WP.No.5733 of 2019:

Issue a Writ of Certiorarified Mandamus or any other order or direction in the nature of a Writ of Certiorarified Mandamus by calling for the records comprised in the proceedings of the 1st respondent bearing No. Rc (A2) 4466/2017 dated 7.2.2019 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. B/22/11 measuring about

0.00.15 Hectares which is comprised in the above proceedings and pass such further or other orders as this Hon'ble Court may deem it fit and proper in the facts and circumstances of the case and thus render justice.

Prayer in WP.No.5738 of 2019

Issue a Writ of Certiorarified Mandamus or any other order or direction in the nature of a Writ of Certiorarified Mandamus by calling for the records comprised in the proceedings of the 1st respondent bearing No. Rc (A2) 4466/2017 dated 7.2.2019 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. B/22/22,25 measuring about 0.00.10 Hectares which is comprised in the above proceedings and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

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

For Respondents in all : Mr.S.Kamalesh Kannan
writ petitions Government Advocate

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 Advocate 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 dated 07.02.2019 under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905. 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.5729/2019	B/22/10	0.00.08 Hectares
W.P.No.5733/2019	B/22/11	0.00.15 Hectares
W.P.No.5738/2019	B/22/22,25	0.00.10 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 appeal and application for stay in the appeal. The learned counsel for the petitioner stated that he will prefer the appeal along with the stay application within a period of 48 hours from today. Status-quo to be maintained for a period of 48 hours from today.

The writ petitions are disposed of with the above observations. No costs. Consequently, W.M.P.Nos.6529, 6535, 6542 and 6543 of 2019 are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To:

1.The Tahsildar
Coonoor Taluk
Coonoor - Nilgiris District.

2.The District Collector
Nilgiris District
Nilgiris.

W.P.Nos.5729, 5733 and 5738 of 2019

AD(CO)

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