

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.8526 of 2019

P.Jayaraman

.. Petitioner

-vs-

1.The Tahsildar,
Coonoor Taluk,
Coonoor - Nilgiris District-643 102.

2.The District Collector,
Nilgiris District,
Nilgiris.

3.The Secretary to Government,
Department of Revenue,
Government of Tamil Nadu,
Fort George,
Chennai-600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st and 2nd respondents, their men, agents, servants, subordinates or anyone under them from in any manner evicting the petitioner by enforcing the order passed by the 2nd respondent in his Proceedings RC U2 No.3565/2019 dated 8.3.2019 confirming the order of the 1st respondent bearing No.Rc (A2) 4466/2017 dated 7.2.2019 thereby in any manner dispossessing the petitioner from the property in his occupation situate at Survey No.B/22/22 measuring about 0.00.24 Hectares situate in Coonoor Municipality, Nilgiris District pending disposal of the Revision Petition filed by the petitioner before the 3rd respondent under Section 10-A of the Tamil Nadu Land Encroachment Act of 1905 challenging the aforesaid Proceedings.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate

ORDER

(Order of the Court was made by M.DURAIWAMY, J.)

The petitioner has filed the above writ petition to issue a Writ of Mandamus forbearing respondent Nos.1 and 2 from in any manner evicting the petitioner by enforcing the order passed by respondent No.2 dated 08.03.2019, confirming the order of respondent No.1 dated 07.02.2019 and thereby in any manner dispossessing the petitioner from the property in occupation and situate at Survey No.B/22/22 measuring about 0.00.24 Hectares in Coonoor Municipality, Nilgiris District pending disposal of the Revision Petition.

2. It is the case of the petitioner that a notice under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to the petitioner and others on 07.02.2019 and the said notice was challenged by way of writ petitions in W.P.Nos.4202 to 4208, 4211, 4216 and 4224 of 2019 before this Court and this Court, by a common order dated 14.02.2019, disposed of the writ petitions giving liberty to the petitioners therein to file an appeal against the impugned notice within 48 hours. In the connected writ appeals in W.A.Nos.183, 184, 186 and 187 of 2019, a representation was made before this Court stating that the appeal would be filed as against the impugned notice. Recording the submission made by the learned counsel for the appellants therein, writ appeals were also disposed of. After the disposal of the writ petitions and the writ appeals, the second respondent, the District Collector, The Nilgiris District passed an order dated 08.03.2019 in Section 10 appeal filed by the petitioner ordering immediate action to evict the encroachments made by the petitioner. As against the order passed by respondent No.2 in Section 10 appeal, the petitioner had preferred a Revision Petition under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 before the Government. Along with the Revision Petition, the petitioner had also filed Stay Petition under Section 10-B of the Act.

3. The learned counsel for the petitioner submitted that the Revision Petition and the Stay Petition were filed on 18.03.2019. However, the Revisional Authority has not passed any order so far. Further, the learned counsel submitted that since the Appellate Authority has directed the concerned

authority to evict the encroachments immediately, the petitioner is apprehending eviction.

4. Mr.S.Kamalesh Kannan, learned Government Advocate, taking notice on behalf of the respondents, submitted that respondent No.3 may be directed to dispose of the Stay Petition filed by the petitioner under Section 10-B of the Act within a period of one week.

5. In view of the submissions made by the learned counsel appearing on either side, we direct respondent No.3, the Revisional Authority to dispose of the Stay Petition filed by the petitioner on 18.03.2019 along with the Revision Petition within a period of one week from the date of receipt of a copy of this order.

6. With these observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.9043 of 2019 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Tahsildar,
Coonoor Taluk,
Coonoor - Nilgiris District-643 102.
 - 2.The District Collector,
Nilgiris District, Nilgiris.
 - 3.The Secretary to Government,
Department of Revenue,
Government of Tamil Nadu,
Fort George, Chennai-600 009.
- +1 cc to The Government Pleader, SR.No.28064

W.P.No.8526 of 2019

EV(CO)
CSL/09.04.2019