

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.04.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAISWAMY

W.P. No.11303 of 2019

- 1.K.C.Kulandasamy
- 2.K.Devasundaram
- 3.P.Ramasamy
- 4.R.Periyasamy @ Appukutti
- 5.S.Palanisamy
- 6.S.Ponnusamy
- 7.N.Mohanraj
- 8.R.Thangavel
- 9.Velusamy
- 10.Loganathan
- 11.Duraishamy
- 12.A.Saminathan
- 13.M.Shanmugasundaram
- 14.O.N.Palanisamy
- 15.P.Balamani
- 16.P.Saminathan

... Petitioners

-vs-

- 1.The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
- 2.The Collector,
Erode District, Erode.
- 3.The Assistant Executive Engineer (WRD),
Public Works Department,
Lower Bhavani Basin Sub Division No.III,
Kangayam-638 701.
- 4.The Assistant Engineer,
Public Works Department,
Irrigation Section (WRD),
Chennimalai - 638 051,
Erode District.
- 5.The Tahsildar,
Perundurai, Erode District.

6.The Junior Engineer (O&M),
West Pudupalayam,
TANGEDCO, Chennimalai-638 051,
Erode District.

7.The Executive Engineer,
TANGEDCO, Erode Road,
Perundurai,
Erode District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to pass orders on the revision petition filed under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 filed against the order in appeal passed by the 2nd respondent in Na.Ka.3824/2019/Vul dated 04.03.2019 confirming the eviction notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 31.12.2018 to the petitioners on the file of the 3rd respondent till such time to stay the operation of the orders as provided under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1 to 5

ORDER

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

Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for respondent Nos.1 to 5.

2. The case of the petitioners is that the petitioners have received notice under Section 7 and thereafter, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners had preferred an appeal to the concerned authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners had also preferred an application for stay to the concerned authority under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905. The said appeal came to be dismissed by an order dated 04.03.2019. Being aggrieved by the said order, the petitioners had preferred a revision under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 to respondent No.1. The petitioners had also preferred an

application for stay in the said revision. The revision and the stay application were filed on 22.03.2019.

3. The grievance of the petitioners is that they preferred application for stay under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905 on 22.03.2019 and till today, no order has been passed in the stay application, hence, it is apprehended that action will be taken against the property of the petitioners.

4. In view of the above facts, the concerned authority, i.e., the first respondent/Commissioner of Land Administration, Chepauk, Chennai-5, to dispose of the stay application preferred by the petitioners within a period of ten days from the date of receipt of a copy of this order. Till then, status quo as of today shall be maintained.

5. The writ petition is disposed off with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

1.The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.

2.The Collector,
Erode District, Erode.

3.The Assistant Executive Engineer (WRD),
Public Works Department,
Lower Bhavani Basin Sub Division No.III,
Kangayam-638 701.

4.The Assistant Engineer,
Public Works Department,
Irrigation Section (WRD),
Chennimalai - 638 051,
Erode District.

5.The Tahsildar,
Perundurai, Erode District.

6.The Junior Engineer (O&M),
West Pudupalayam,
TANGEDCO, Chennimalai-638 051,
Erode District.

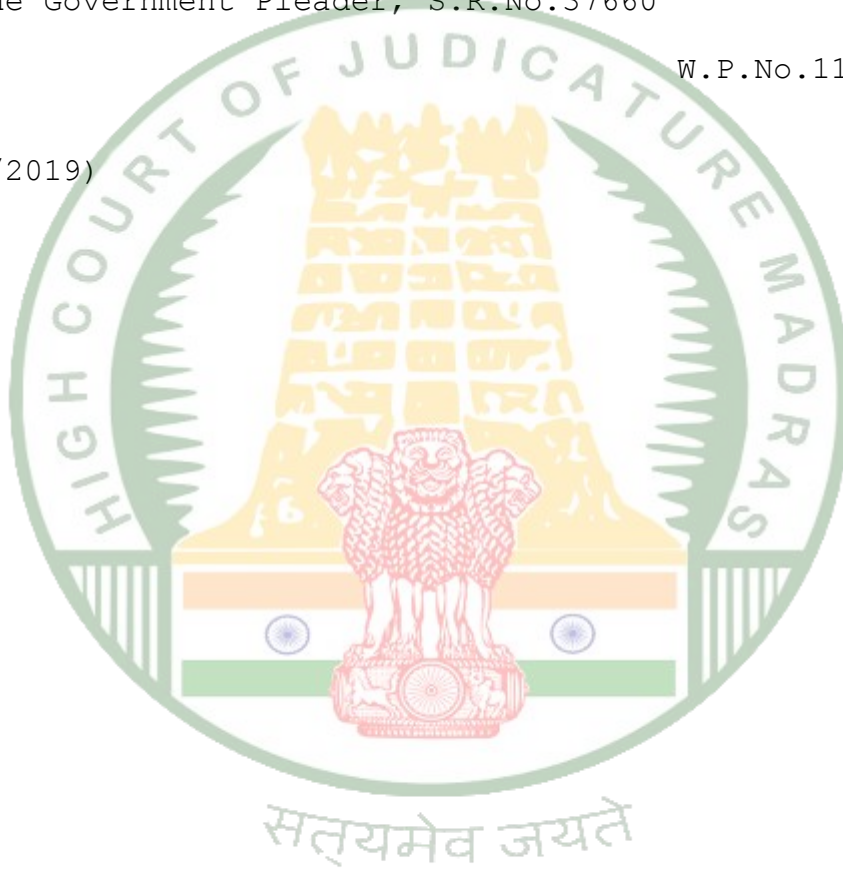
7.The Executive Engineer,
TANGEDCO, Erode Road,
Perundurai,
Erode District.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.36991
+lcc to the Government Pleader, S.R.No.37660

W.P.No.11303 of 2019

MR(CO)

RRS(10/05/2019)



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