

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

CORAM

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

W.P.Nos.17529 and 17535 of 2019

S.Palani .. Petitioner in W.P.17529/2019

C.Subburaj .. Petitioner in W.P.17535/2019

Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar, Avadi,
Old Municipality Building,
1st Floor, Avadi,
Chennai - 600 54.
3. The Revenue Inspector,
Thirumullaivoyil Village,
Avadi Taluk, Avadi,
Chennai. .. Respondents in both WPs.

PRAYER: W.P.No.17529 of 2019 filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to dispose of the Appeal No.290 of 2019 dated 02.01.2019 pending before the first respondent filed under Section 10 of the Land Encroachment Act, 1905 against the impugned order i.e., Notice dated 27.12.2018 bearing Na.Ka.No.2994/2017/B1 issued by the second respondent under Section 6 of the Land Encroachment Act, 1905 within a time frame as fixed by this Hon'ble Court and further direct the respondents to refrain from taking any adverse action against the petitioner's property until such disposal of the Appeal No.290 of 2019 dated 02.01.2019, pending before the first respondent.

PRAYER: W.P.No.17535 of 2019 filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the first respondent to dispose of the Appeal No.28 of 2019 dated 02.01.2019 pending before the first

respondent filed under Section 10 of the Land Encroachment Act, 1905 against the impugned order i.e., Notice dated 27.12.2018 bearing Na.Ka.No.2994/2017/B1 issued by the second respondent under Section 6 of the Land Encroachment Act, 1905 within a time frame as fixed by this Hon'ble Court and further direct the respondents to refrain from taking any adverse action against the petitioner's property until such disposal of the Appeal No.289 of 2019 pending before the first respondent.

For Petitioners : Mr.B.Deepak Narayanan

For Respondents : Mr.S.N.Parthasarathy
Government Advocate

COMMON ORDER

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

Heard Mr.B.Deepak Narayanan, learned counsel for the petitioners and Mr.S.N.Parthasarathy, learned Government Advocate for the respondents.

2. The case of the petitioners is that they have received notices under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, which are dated 07.12.2018. The said notices are in relation to the premises in Survey No.7/1 measuring an extent of 40 square meter respectively situated at No.10, Muthapudupet Village, Ambattur Taluk, Thiruvallur District. Thereafter, the petitioners have received notices dated 27.12.2018 under Section 6 of the said Act. As against the notices issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioners have preferred appeals in Appeal Nos.290 and 289 of 2019 respectively under Section 10 of the said Act before the first respondent on 02.01.2019. In the said appeals, the petitioners have also preferred stay applications.

3. The grievance of the petitioners is that though the appeals and the stay applications were filed on 02.01.2019, as of today, no order has been passed in the stay applications by the first respondent. Hence, they apprehend eviction from the premises in question.

4. In view of the apprehension expressed by the learned counsel for the petitioners, without expressing any opinion with regard to the merits of the case, we direct the first respondent, who is the authority concerned, to dispose of the stay applications within ten days from the date of receipt of a copy of this order and the appeals to be disposed of as expeditiously as possible.

5. With the above observation, the writ petitions are disposed of. No costs. Consequently, W.M.P.Nos.17009 and 17015 of 2019 are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildar, Avadi,
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3. The Revenue Inspector,
Thirumullaivoyil Village,
Avadi Taluk, Avadi,
Chennai.

+2 ccs to M/s.B.Deepak Narayanan, Advocate, S.R.No.51933, 51932

+1 cc to the Government Pleader, S.R.No.52367

W.P.Nos.17529 and 17535 of 2019

SKV(CO)
SSM(24/07/2019)

सत्यमेव जयते

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