

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.No.17770 of 2019

K.Udhayakumar

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector,
Villupuram District,
Villupuram.
- 3.The Sub Collector,
Tindivanam,
Villupuram District.
- 4.The Tahsildar,
Tindivanam Taluk,
Villupuram District.
- 5.The Special Officer / Block Development Officer,
Vellimedupettai Panchayat,
Olakkur Panchayat Union,
Olakkur,
Villupuram District.
- 6.The Inspector of Police,
Vellimedupettai Police Station,
Vellimedupettai,
Tindivanam.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents more particularly the respondents 2 to 5 from any manner eviction the petitioner from his property in respect of lands measuring 16 cents in S.No.41/2 (now 41/6) of Puthananthal Village, Vellimedupettai Panchayat, Olakkur Panchayat Union, Tindivanam Taluk during the pendency of

the Revision Petition filed by the petitioner's father on 04.01.2019 pending before the 1st respondent.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)

ORDER

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

Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Government Pleader (i/c) for the respondents.

2. The case of the petitioner is that his father received a notice dated 30.07.2018 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in relation to the structure at Survey No.41/2 situated in Puthanandal Village, Vellimedupettai Panchayat, Tindivanam District. Thereafter, the father of the petitioner received a notice dated 31.08.2018 under Section 6 of the said Act. As against the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the father of the petitioner had preferred an appeal. The appeal came to dismissed by an order dated 13.12.2018. The said order has been challenged by the father of the petitioner by preferring a revision under Section 10A(1)(C) of the Tamil Nadu Land Encroachment Act, 1905 on 04.01.2019 before the first respondent. In the said revision, the father of the petitioner had also preferred stay application under Section 10(B) of the said Act. However, shortly thereafter, the father of the petitioner passed away on 16.01.2019.

3. The grievance of the petitioner is that though the revision and the stay application were filed on 04.01.2019, as of today, no order has been passed in the stay application by the first respondent. Hence, he apprehends that the structure would be demolished and he would be evicted from the premises in question.

4. In view of the apprehension expressed by the learned counsel for the petitioner, 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 application within ten days from the date of receipt of a copy of this order and the appeal to be disposed of as expeditiously as possible.

5. With this observation, the writ petition is disposed of.
No costs. Consequently, W.M.P.No.17178 of 2019 is closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To:

- 1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
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- 6.The Inspector of Police,
Vellimedupettai Police Station,
Vellimedupettai,
Tindivanam

+1 CC to Govt.Pleader sr 52365.
+1 CC to Mr.M.Gnanasekar, Advocate sr 51848.

W.P.No17770 of 2019

RV(CO)
SP(25/06/2019)