

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.07.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.19337 of 2019 and
W.M.P.Nos.18810 and 18811 of 2019

K.Basheer

.. Petitioner

Vs.

1.The District Collector,
The Nilgiris District, Ootacamund.

2.The Tahsildar,
Gudalur Taluk, Gudalur.

3.The Executive Officer,
Guddalur III Grade Municipality,
Gudalur, The Nilgiris District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner on 12.06.2019 and until then forbear the 2nd respondent from implementing the notice dated 04.06.2019.

For Petitioner : Mr.P.Wilson, Senior Counsel
for M/s.P.Wilson Associates

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

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner on 12.06.2019 and until then forbear the 2nd respondent from implementing the notice dated 04.06.2019.

2. It is the case of the petitioner that he was issued with a notice dated 18.03.2019 under section 7 of the Tamil Nadu Land Encroachment Act, 1905 and that he has given a reply to the said notice on 22.03.2019. Thereafter, the 2nd respondent issued a notice under section 6 of the Act on 04.06.2019. Challenging the notice issued under section 6 of the Act, the petitioner preferred an appeal under section 10 of the Tamil Nadu Land Encroachment Act on 12.06.2019.

3. Mr.P.Wilson, learned Senior Counsel appearing for the petitioner submitted that though the petitioner has filed the Appeal along with the Stay Petition as early as on 12.06.2019, the 1st respondent has not disposed of the Stay Petition yet. Further, the learned Senior Counsel submitted that since the 1st respondent has not considered the Stay Petition filed by the petitioner so far, the 2nd respondent is trying to dispossess the petitioner from the disputed property. In these circumstances, the learned Senior Counsel submitted that a direction may be given to the 1st respondent to dispose of the appeal as expeditiously as possible and also to forbear the 2nd respondent from implementing the notice issued under Section 6 of the Act.

4. Mr. V.Jayaprakash Narayanan, learned Government Pleader (i/c) taking notice for the respondents submitted that a direction may be given to the respondents to dispose of the Stay petition within a time frame.

5. In view of the limited prayer sought for by the learned Senior Counsel appearing for the petitioner and also the submission made by the learned Government Pleader (i/c), we direct the 1st respondent to dispose of the Stay Petition within a period of ten days from the date of receipt of a copy of this order and we also direct the 1st respondent to dispose of the Appeal as expeditiously as possible.

With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

Rj

To

1.The District Collector,
The Nilgiris District,
Ootacamund.

2.The Tahsildar,
Gudalur Taluk, Gudalur.

3.The Executive Officer,
Guddalur III Grade Municipality,
Gudalur,
The Nilgiris District.

+1cc to Mr.P.Wilson, Advocate, S.R.No.56992

W.P.No.19337 of 2019 and
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JP (CO)

RRS (09/07/2019)



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