



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.22786 of 2019 and

W.M.P.No.22341 of 2019

E.Annamalai

.. Petitioner

Vs.

1. The District Collector,
Tiruvallur District,
Tiruvallur - 602 001.
2. The Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.
3. The Assistant Engineer,
Public Works Department,
Irrigation Section - II, WRD,
Tiruvallur.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents to dispose of the statutory appeal dated 14.06.2019 filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 within a stipulated time and consequently, forbear the respondents from evicting the petitioner from the property comprised in S.No.271 situated at No.602, Pallikkooda Street, Perampakkam, Tiruvallur District.

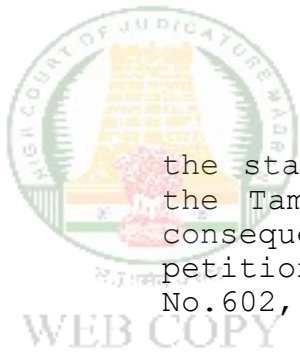
For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.S.N.Parthasarathi,
Government Advocate

O R D E R

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

The above Writ Petition has been filed by the petitioner to issue a Writ of Mandamus directing the respondents to dispose of



the statutory appeal dated 14.06.2019 filed under Section 10 of the Tamil Nadu Land Encroachment Act within a time frame and consequently, forbear the respondents from evicting the petitioner from the property comprised in S.No.271 situated at No.602, Pallikkooda Street, Perampakkam, Tiruvallur District.

2.It is the case of the petitioner that he has filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 on 14.06.2019 before the 1st respondent challenging the notice issued under section 7 of the Tamil Nadu Land Encroachment Act.

3.Since the notice issued under Section 7 is only a show cause notice and even according to the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents, the authorities have not issued any notice under Section 6 of the Act so far, the petitioner can file an appeal under Section 10 of the Act against the notice issued under Section 6 of the Act.

4.The learned Government Advocate appearing for the respondents submitted that the authorities will evict the petitioner only after passing order under Section 6 of the Act and not before that.

5.The learned counsel for the petitioner submitted that the submission made by the learned Government Advocate may be recorded and the Writ Petition may be disposed of.

6.In view of the submissions made by the learned counsel on either side, recording the submission made by the learned Government Advocate appearing for the respondents, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va



To

1. The District Collector,
Tiruvallur District,
Tiruvallur - 602 001.
2. The Tahsildar,
Tiruvallur Taluk,
Tiruvallur District.
3. The Assistant Engineer,
Public Works Department,
Irrigation Section - II, WRD,
Tiruvallur.

+1 cc to Mr.A.Nagarathinam, Advocate, S.R.No.66842

+1 cc to the Government Pleader, S.R.No.66351

W.P.No.22786 of 2019 and
W.M.P.No.22341 of 2019

NRL (CO)
SSM(28/08/2019)