

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.24159 of 2019
and W.M.P.Nos.23945 and 24126 of 2019

P.Ruthira Murthy ... Petitioner

-vs-

- 1.The District Collector,
Kancheepuram,
Kancheepuram District 631 002.
- 2.The Revenue Divisional Officer,
Chengalpet, Chengalpet District 603 002.
- 3.The Thasildar,
Chengalpet, Chengalpet District 603 002.
- 4.The Revenue Inspector,
Chengalpet, Chengalpet District 603 002.
- 5.The Village Administrative Officer,
Chengalpet, Chengalpet District 603 002. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records pertaining to the Notice dated 19.07.2019 issued by the third respondent and quash the same as illegal, unconstitutional and ultra-vires.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.S.N.Parthasarathi
Govt. Advocate

* * * * *

O R D E R

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

Heard Mr.R.Sreedhar, learned counsel for the petitioner and Mr.S.N.Parthasarathi, learned Government Advocate, for the respondents.

2.The case of the petitioner is that he received a notice dated 12.06.2019 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. Thereafter, the petitioner received notice under Section 6 of the said Act. The said notice is dated 19.07.2019. The petitioner preferred an appeal against the notice received by him under Section 6 of the said Act. The said appeal was preferred on 23.07.2019.

3.The grievance of the petitioner is that despite filing the appeal on 23.07.2019, it has not yet been decided, hence, he is seeking directions that the appeal be disposed of expeditiously.

4.The learned counsel for the petitioner submitted that he is restricting his prayer only to the appeal preferred by the petitioner being disposed of at the earliest by the concerned authority.

5.We have gone through the document at page 47 of the typed set of papers annexed to the writ petition, which, according to the petitioner, is the appeal preferred by him to the District Collector. On going through the said document, we find that it is not an appeal and it is only a letter addressed to the District Collector, Kancheepuram. There is no reference at all in the said document to the notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. There is also no prayer in relation to the notice under Section 6 of the said Act. Thus, it cannot be said to be an appeal in relation to the notice under Section 6 of the said Act received by the petitioner.

6.In such case, it is not possible for this Court to direct the authority to consider the said 'appeal' at the earliest. It would be open to the petitioner to prefer an appeal to the competent authority along with an application for stay. If such an appeal is preferred, the authority to dispose of the same at the earliest.

With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.23945 and 24126 of 2019 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sra
To

- 1.The District Collector,
Kancheepuram,
Kancheepuram District 631 002.
- 2.The Revenue Divisional Officer,
Chengalpet, Chengalpet District 603 002.
- 3.The Thasildar,
Chengalpet, Chengalpet District 603 002.
- 4.The Revenue Inspector,
Chengalpet, Chengalpet District 603 002.
- 5.The Village Administrative Officer,
Chengalpet, Chengalpet District 603 002.

+1cc to Mr.R.Sreedhar , Advocate SR.No. 70948
+1 cc to Government Pleader Sr.No. 72100

W.P.No.24159 of 2019

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A.SK(16/09/2019)

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