

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM :

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

W.P.NO.23355 OF 2019
AND W.M.P.NO.23101 OF 2019

- 1.K.C.Kulandasamy
- 2.P.Ramasamy
- 3.R.Periyasamy @ Appukutti
- 4.S.Palanisamy
- 5.S.Ponnusamy
- 6.N.Mohanraj
- 7.R.Thangavel
- 8.Velusamy
- 9.Loganathan
- 10.Duraisamy
- 11.A.Samiyappan
- 12.M.Shanmugasundaram
- 13.O.N.Palanisamy
- 14.P.Balamani
- 15.P.Saminathan

... Petitioners

-vs-

1. State of Tamil Nadu,
Principal Secretary to Government,
Revenue and Disaster Management
Dept., Secretariat, Chennai 600 009.
2. The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
3. The Collector, Erode District, Erode.
4. The Assistant Executive Engineer (WRD),
Public Works Department,
Lower Bhavani Basin Sub Division No.III,
Kangayam-638 701.
5. The Assistant Engineer,
Public Works Department, Irrigation Section (WRD),
Chennimalai - 638 051, Erode District.

6. The Tahsildar,
Perundurai, Erode District.
7. The Junior Engineer (O&M),
West Pudupalayam, TANGEDCO,
Chennimalai-638 051, Erode District.
8. The Executive Engineer,
TANGEDCO, Erode Road,
Perundurai, Erode District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 1st respondent to pass orders on the revision petition filed under Section 10-A(1)(C) of the Tamil Nadu Land Encroachment Act, 1905 filed against the order in appeal passed by the 3rd respondent in Na.Ka.3824/2019/Vu1 dated 04.03.2019 confirming the eviction notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 31.12.2018 to the petitioners on the file of the 4th respondent till such time to stay the operation of the orders as provided under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.1 to 6

ORDER

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

Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate for respondent Nos.1 to 6.

2. The case of the petitioners is that the petitioners have received notice under Section 7 and thereafter, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners had preferred an appeal to the concerned authority under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. The petitioners had also preferred an application for stay to the concerned authority under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905. The said appeal came to be dismissed by an order dated 04.03.2019. Being aggrieved by the said order, the petitioners had preferred a revision under Section 10-A (1) (C) of the Tamil Nadu Land Encroachment Act,

1905 to respondent No.1. The petitioners had also preferred an application for stay in the said revision. The revision and the stay application were filed on 01.06.2019.

3. The grievance of the petitioners is that they preferred application for stay under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905 on 01.06.2019, but till today, no order has been passed in the stay application, hence, it is apprehended that action will be taken against the property of the petitioners.

4. In view of the above facts, the concerned authority, i.e., the first respondent/Principal Secretary to Government, Revenue and Disaster Management Dept., to dispose of the stay application preferred by the petitioners within a period of ten days from the date of receipt of a copy of this order. Status quo as of today shall be maintained for a period of ten days.

5. The writ petition is disposed of with the above direction. No costs. Consequently, W.M.P.No.23101 of 2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To

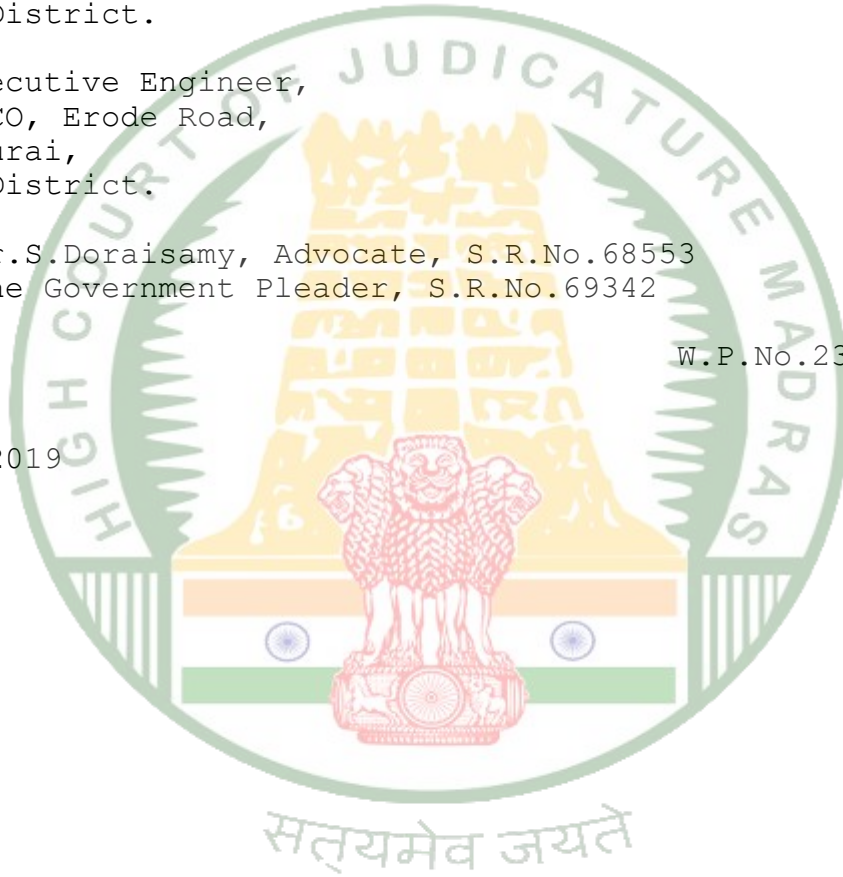
1. The Principal Secretary to Govt. of Tamil Nadu, Revenue and Disaster Management Dept., Secretariat, Chennai 600 009.
2. The Commissioner of Land Administration, Chepauk, Chennai - 600 005.
3. The Collector, Erode District, Erode.
4. The Assistant Executive Engineer (WRD), Public Works Department, Lower Bhavani Basin Sub Division No.III, Kangayam-638 701.

5. The Assistant Engineer,
Public Works Department,
Irrigation Section (WRD),
Chennimalai - 638 051,
Erode District.
6. The Tahsildar,
Perundurai, Erode District.
7. The Junior Engineer (O&M),
West Pudupalayam,
TANGEDCO, Chennimalai-638 051,
Erode District.
8. The Executive Engineer,
TANGEDCO, Erode Road,
Perundurai,
Erode District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.68553
+1cc to the Government Pleader, S.R.No.69342

W.P.No.23355 of 2019

PVS (CO)
CS/19/09/2019



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