

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.09.2019

CORAM

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

W.P.No.26677 of 2019

K.Mohan Raj

.. Petitioner

Vs

1 The District Collector cum
Appellate Authority
District of Chennai
District Collectorate
Chennai - 600 001.

2 The Zonal Engineer - 8
Chennai Metropolitan Water Supply and
Sewerage Board
227, II Avenue, 12th Main Road
Anna Nagar
Chennai - 600 040.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India
seeking issuance of a writ of mandamus directing the 1st respondent to
dispose the petitioner's appeal filed on 04.02.2019.

For Petitioner : Mr.V.Lakshminarayanan
for M/s.M.Duraimurugan

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

ORDER

(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 first respondent to dispose of
the petitioner's appeal filed on 4.2.2019 challenging the notice
dated 25.1.2019 issued under Section 6 of the Tamil Nadu Land
Encroachment Act, 1905.

2. The learned counsel for the petitioner submitted that the petitioner has filed an appeal on 4.2.2019 challenging the notice issued under Section 6 of the Act along with a petition for interim stay and that during the pendency of the appeal, the authorities are trying to dispossess the petitioner from the property. In these circumstances, the learned counsel submitted that a direction may be given to the first respondent, i.e., the Appellate Authority, to dispose of the appeal and the stay petition within a time frame and till such time, the petitioner's possession may be protected.

3. The learned Government Pleader (i/c.) taking notice for the first respondent submitted that the first respondent may be directed to dispose of the stay petition within a period of two weeks from the date of receipt of a copy of this order and the main appeal dated 4.2.2019 within six weeks thereafter.

4. Recording the submission made by the learned Government Pleader (i/c.), we direct the first respondent to dispose of the stay petition within a period of two weeks from the date of receipt of a copy of this order and the main appeal within six weeks thereafter.

With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.No.26064 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sasi

To:

- 1 The District Collector cum
Appellate Authority
District of Chennai
District Collectorate
Chennai - 600 001.
- 2 The Zonal Engineer - 8
Chennai Metropolitan Water Supply and
Sewerage Board
227, II Avenue, 12th Main Road
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Chennai - 600 040.

+1cc to Mr.M.Duraisamy , Advocate SR.No. 76730

+1 cc to Government Pleader Sr.No. 77412

W.P.No.26677 of 2019

A.SK(24/09/2019)