

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.29225 of 2019

K.D.A.Prabhakar

.. Petitioner

Vs

- 1 The District Collector
District Collector Office
Chennai.
- 2 The Thasildar
Thasildhar's Office
Sollinganallur Taluk
O.M.R.Road
Chennai District.
- 3 The Revenue Inspector
O/o.Revenue Inspector
Pallikaranai
Sollinganallur Taluk
Chennai.
- 4 The Village Administrative Officer
No.9, Kottivakkam Village
No.10, Palavakkam Village
No.12, Neelankarai Village
Sollinganallur Taluk, Chennai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of certiorarified mandamus calling for records pertaining to the notice dated 24.09.2019 issued by the 2nd respondent and to quash the same and consequently direct the respondents to allow me to continue the peaceful possession of the property at Door No.4/591, Vaithiyalingam Salai, Neelankarai, Chennai - 600 115 situated in Survey No.41/1 of Neelankarai Village, Sholinganallur Taluk.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader

ORDER

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

The petitioner, K.D.A.Prabhakar, son of Kanagaraj, Door No.4/591, Vaithiyalingam Salai, Neelankarai, Chennai, has filed this petition aggrieved by the impugned notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (for brevity, "the Act") by the second respondent on 24.9.2019.

2. The learned counsel at Bar submitted that the petitioner has already filed an appeal under Section 10 of the Act on 30.9.2019, after filing the present writ petition. The learned counsel for the petitioner, Mr.R.Thirumoorthy, prays that the District Collector, Chennai, may be directed to dispose of the said appeal filed under Section 10 of the Act expeditiously.

3. Having heard the learned counsel for the parties, we are satisfied that the petitioner has availed the regular remedy under Section 10 of the Act and we need not interfere in the matter on merits. We direct the first respondent to dispose of the pending appeal as well as the stay petition expeditiously. The petitioner may appear before the said authority in the first instance on 23.10.2019 and we grant a period of four weeks to the first respondent to dispose of at least the stay petition filed by the petitioner.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.Nos.29024 and 29027 of 2019 are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

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+1 cc to Mr.R.Thirumoorthy Advocate sr85670
+1 cc to M/s.Government Pleader sr85829

W.P.No.29225 of 2019

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