

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.31871 of 2019
and W.M.P.Nos.32111 & 32115 of 2019

Bethasdha Perinba Jeevanathi Thirusabai Trust
by its Chairman and Founder,
M.Karunanidhi
No.5/145A, Thiruvalluvar Nagar,
Parasalur Post,
Tharangambadi Taluk,
Nagapattinam District

..Petitioner

vs.

1. The Government of Tamilnadu,
rep. by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Nagapattinam District.
3. The District Revenue Officer,
Nagapattinam.
4. The Revenue Tahsildar,
Office of the Tahsildar,
Tharangambadi,
Nagapattinam District.
5. Hitler
6. Veeraiyan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorarified Mandamus, calling for the records of the Revenue Tahsildar, Tharangambadi, Myladuthurai, the 4th respondent herein culminating in Section 6 notice issued under the Tamilnadu Land Encroachment Act, 1905 dated 04.10.2019 and quash the same and further direction to the

2nd and 4th respondents to restore the land and other belonging of the petitioner taken by the 4th respondent on 18.10.2019 forthwith to the petitioner.

For Petitioner : Mr.K.Balakrishnan

For R.1 to R.4 :
Mr.P.S.Shivashanmughasundaram
Special Govt. Pleader

For R.5 & R.6 : No appearance

O R D E R

(Order of the Court made by M.M.SUNDRESH,J.)

As against the eviction order issued under Section 6 of the Tamilnadu Land Encroachment Act, 1905, invoking Section 10 of the said Act, an appeal has been filed by the petitioner on 01.11.2019 before the 2nd respondent, the District Collector, Nagapattinam.

2. Taking note of the above submission made by the learned counsel appearing for the petitioner, we call upon the 2nd respondent to dispose of the appeal, pending representation, within a period of eight weeks from the date of receipt of a copy of this order.

3. In as much as the learned Special Government Pleader, on instruction given by the officer who is present, submitted that the encroachment has already been removed, we are inclined to pass an order of status quo as on today to be maintained with respect to further usage of the land, till the disposal of the appeal.

4. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamilnadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Nagapattinam District.
3. The District Revenue Officer,
Nagapattinam.
4. The Revenue Tahsildar,
Office of the Tahsildar,
Tharangambadi,
Nagapattinam District.

+1 cc to M/s.K.Balakrishnan, Advocate Sr.No. 98827

+1 cc to The Government Pleader Sr.No. 98951

AKM/09.01.2020/3P-7 C /

W.P.No.31871 of 2019