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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.32389 of 2019

Rajayoga Diyana Maiyam,
Bramakumarigal Iswariya Vishwa Vidyalaya
represented by its Secretary,
No.382-A, Krishnagiri Main Road,
Dharmapuri - 636 701.

... Petitioner

vs.

1. The District Collector,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri.
3. The Revenue Division Officer,
Dharmapuri.
4. The Tahsildar,
Dharmapuri.
5. The Revenue Inspector,
Dharmapuri.
6. The Assistant Engineer,
O & M/East/Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO),
Dharmapuri.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorari Mandamus, calling for the records relating to the order of the 4th Respondent in his proceedings Na.Ka.2068/2019/A5, dated 12.11.2019 and quash the same and direct the 3rd Respondent to number the Petitioner's Statutory Appeal dated 08.11.2019 preferred under Section 10 and 10-B of the Tamil Nadu Land Encroachment Act, 1905, sent through registered post on 09.11.2019, received by the 3rd Respondent's Office on 11.11.2019.



For Petitioner : Mr.R.G.Narendhiran
For Respondent 1 to 5 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

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O R D E R

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

The Petitioner suffered an order of eviction at the hands of the 4th Respondent. Challenging the same, he filed an Appeal before the 3rd Respondent on 08.11.2019. In the meanwhile, the 4th Respondent passed the impugned order on 12.11.2019, informing the Petitioner that, as encroachments have not been evicted, the property would be taken possession of.

2. Learned counsel for the Petitioner submitted that, what has been filed as a Statutory Appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the 1st Respondent, is now pending before the 3rd Respondent. Therefore, till the said Appeal is disposed of, the Petitioner cannot be dispossessed.

3. Learned Special Government Pleader appearing for Respondents 1 to 5, submitted that the Appeal will be disposed of on merits.

4. Considering the submissions made, we direct the 1st Respondent/3rd Respondent, as the case may be, to dispose of the pending Appeal filed by the Petitioner on 08.11.2019, within a period of eight weeks from the date of receipt of a copy of this order.

5. Till such time, orders dated 01.11.2019 and 08.11.2019 passed by the 4th Respondent, shall be kept in abeyance. Needless it is to state that, the aforesaid orders would bind the 6th Respondent as well.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



To:

1. The District Collector,
Dharmapuri.
2. The District Revenue Officer,
Dharmapuri.
3. The Revenue Division Officer,
Dharmapuri.
4. The Tahsildar,
Dharmapuri.
5. The Revenue Inspector,
Dharmapuri.
6. The Assistant Engineer,
O & M/East/Tamil Nadu Generation and
Distribution Corporation Ltd. (TANGEDCO),
Dharmapuri.

+1cc to Mr.R.G.Narendhiran , Advocate SR.No. 95380

+1 cc to Government Pleader Sr.No. 96012

W.P.No.32389 of 2019

ev (CO)

A.SK(06/01/2020)