

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.25655 of 2018

M.Ganesan

... Petitioner

Vs.

1.The District Collector,
Kanchipuram District,
Kanchipuram.

2.The Tahsildar,
Cheyyur,
Kanchipuram District.

3.Madurai Achari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the 1st respondent to complete his enquiry under Section 10 of the Tamil Nadu Encroachment Act to remove the encroachment in S.No.868/35 of Cheyyur Village and Taluk by K.M.S.Marriage Hall which belonged to the 3rd respondent pursuant to the petitioner's representation dated 12.05.2018.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c) (R1 & R2)

Mr.K.Moorthy (R3)

O R D E R

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

The petitioner has filed the Writ Petition to issue a Writ of mandamus to direct the 1st respondent to complete his enquiry under Section 10 of the Tamil Nadu Land Encroachment Act to remove the encroachment in S.No.868/35 of Cheyyur Village and Taluk by K.M.S.Marriage Hall which belong to the 3rd respondent pursuant to the petitioner's representation dated 12.05.2018.

2.The learned counsel appearing for the petitioner submitted that the limited prayer sought for in this Writ Petition is to direct the 1st respondent to dispose of the appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act in respect of the Survey No.868/35 of Cheyyur Village and Taluk within a time frame.

3.The learned Government Pleader (i/c) appearing for the respondents 1 & 2 submitted that the 1st respondent may be directed to dispose of the appeal filed under Section 10 within a period of twelve (12) weeks in accordance with law.

4.In view of the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the matter, we direct the 1st respondent to complete the enquiry and dispose of the appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act in respect of the Survey No.868/35 of Cheyyur Village and Taluk within a period of twelve (12) weeks from the date of receipt of a copy of this order, on merits and in accordance with law.

5.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Kanchipuram District, Kanchipuram.

2.The Tahsildar,
Cheyyur, Kanchipuram District.

+1 cc to Mr.K.Thenrajan, Advocate SR.No.5108

+1 cc to The Government Pleader, SR.No.4814

+1 cc to Mr.K.Moorthy, Advocate SR.No.4661

W.P.No.25655 of 2018

PM(CO)
CSL/11.02.2019