

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.1802 of 2020
and
W.M.P.Nos.2086 and 2088 of 2020

1.A.Raman
S/o.Arimuthu

2.R.Muniraj
S/o.Raman

.... Petitioners

Vs

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

3.The Revenue Inspector,
Perumbalai,
Pennagaram Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order dated 10.01.2020 issued u/s.6 of the Tamil Nadu Land Encroachment Act, 1905, by second respondent and to quash the same.

For Petitioners : Mr.C.Prabakaran

For Respondents : Mr.E.Balamurugan
Special Government Pleader

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

The present Writ Petition has been filed seeking quash of the impugned order dated 10.01.2020 issued u/s.6 of the Tamil Nadu Land Encroachment Act, 1905, by second respondent.

2. Heard learned counsel for petitioners and learned Special Government Pleader appearing for respondents.

3. It is the case of petitioners that they are owners of the property comprised in Survey No.7 measuring an extent of 0.68.0 acres of land situated at Kadamadai Village, Manjanaickanahalli Tharappu, Pennagaram Taluk, Dharmapuri District, which is classified as Kallanguthu Land and the same is not used for the past several years. Subsequently, petitioners constructed a house and also obtained electricity service connection. At this juncture, respondents tried to disturb petitioners' possession on the ground that there is an encroachment. In this regard, petitioners filed a suit in O.S.No.55 of 2015 on the file of learned District Munsif-cum-Judicial Magistrate, Pennagaram, against respondents and the same was decreed on 28.08.2019. Despite such position, second respondent issued a notice u/s.7 of the Tamil Nadu Land Encroachment Act, 1905, calling the petitioners to show cause about the possession of the said property. Challenging the same, petitioners preferred an appeal u/s.10 of the Act before the first respondent. Pending the appeal, second respondent has issued the impugned order u/s.6 of the Tamil Nadu Land Encroachment Act, 1905. Hence, petitioner has filed the present petition seeking the aforesaid relief.

4. Learned counsel for petitioners submits that the appeal preferred by petitioners u/s.10 of the Tamil Nadu Land Encroachment Act, 1905, is pending before the first respondent and it would be suffice, if a direction is issued to first respondent to dispose of the appeal within a stipulated time.

5. Heard learned Special Government Pleader appearing for respondents on the above submissions.

6. Considering the submissions made on either side, this Court, without going into the merits of the claim made by petitioners, directs the first respondent to dispose of the appeal preferred by petitioners within a period of eight weeks from the date of receipt of this order, after affording an opportunity of personal hearing to petitioners. Status-quo, as on date, shall be maintained till the disposal of the appeal by first respondent.

Accordingly, the Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gm

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

3.The Revenue Inspector,
Perumbalai,
Pennagaram Taluk,
Dharmapuri District.

+1 cc to Government Pleader Sr.No.7638

+1cc to Mr.C.Prabakaran , Advocate SR.No. 6864

A.SK(26/02/2020)

Writ Petition No.1802 of 2020

सत्यमेव जयते
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