

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.3327 of 2020
and
W.M.P.No.3858 of 2020

P.Veeramani,
Son of Periyathambi Naicker,
No.1/230, West Street,
Thennagudipalayam Village,
Appammasamuthiram Post 636 108,
Attur Taluk, Salem District. ... Petitioner

-vs-

1.District Collector,
Salem District.

2.Revenue Divisional Officer,
Attur, Salem District.

3.Tahsildar, Attur Taluk,
Attur, Salem District.

4.Revenue Inspector,
Attur Town, Salem District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the eviction order dated 03.02.2020 of the 3rd respondent herein issued under S.6 of the Tamil Nadu Land Encroachment Act, 1905 against the petitioner herein in respect of the lands cultivated by him in S.No.14/2 of Thennagudipalayam Village, Attur Taluk and quash the same and consequently restrain the respondents 3 and 4 herein from forcibly evicting the petitioner herein pending disposal of the Appeal Petition dated 20.01.2020 filed before the 2nd respondent herein and the representation dated 03.02.2020 of the petitioner herein for grant of Patta for the land in S.No.14/2 Thennagudipalayam Village.

For Petitioner :Mr.V.R.Rajasekaran

For Respondents:Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J.)

The petitioner has challenged the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 passed by the 3rd respondent on 03.02.2020, claiming that he is the owner of the property comprised in survey No.14/2 of Thenagudipalayam Village measuring to an extent of 0.21 acres of punja land. The petitioner has pointed out that right from the year 1925 onwards, the petitioner's predecessors have been in possession of the property and therefore, he seeks to set aside the impugned order.

2.Heard Mr.V.R.Rajasekaran, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader.

3.It is brought to the notice of this Court that against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act 1905, there is an appeal pending. In view of the above, there shall be a direction to the District Collector, Salem District to dispose of the Appeal within a period of 12 weeks from the date of receipt of a copy of this order. Till the appeal is disposed of and the copy of order in the appeal is served upon the petitioner, no coercive steps have to be taken against the petitioner.

4.Accordingly, this Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.District Collector,
Salem District.

2.Revenue Divisional Officer,
Attur, Salem District.

3.Tahsildar, Attur Taluk,
Attur, Salem District.

4.Revenue Inspector,
Attur Town, Salem District.

+1cc to Mr.V.R.Rajasekaran, Advocate Sr.20773
+1cc to the Government Pleader Sr.21203

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srg 12/03/2020



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