

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.4212 of 2020
and
W.M.P.No.4978 of 2020

1.Ravamani
2.E.Gnanakumar

...Petitioners

Vs

1. The District Collector,
Chennai (Central),
62, Fourth Floor, Rajai Salai,
Chennai 600 001.

2. Division / Section Officer,
PWD, Irrigation Division,
Sengundram, Redhills,
Chennai 600 052.

3. The Tahsildar,
Ambattur Taluk Office,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai - 600 053.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to dispose of the petitioners' appeal dated 05.02.2020 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 against the Notice dated 27.01.2020 issued by the second respondent under Section 6 (1) of the Tamil Nadu Land Encroachment Act, 1905 within a time frame as fixed by this Court and further direct the second and third respondents to refrain from taking any adverse action against the petitioners' property until such disposal of the appeal dated 05.02.2020 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 pending before the first respondent.

For Petitioners : S.Bhargavi
For Respondents : Mr. S. Kamalesh Kannan,
Government Advocate.

O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

This petition has been filed to direct the first respondent to dispose of the petitioners' appeal dated 05.02.2020 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 against the Notice dated 27.01.2020 issued by the second respondent under Section 6 (1) of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard S.Bhargavi, learned Counsel appearing for the petitioners and Mr.S.Kamalesh kannan, learned Government Advocate appearing for the respondents.

3.The learned Counsel for the petitioners contended that the property is in occupation of the petitioners by virtue of a will dated 14.07.2007. However, the Second respondent has issued eviction notice dated 27.01.2020 under Section 6 (1) of the Tamil Nadu Land Encroachment Act, 1905 stating that it is a Government property and the same has been encroached by the petitioners. Subsequently, the petitioners have filed an appeal before the first respondent against the said notice and the same is pending. Hence, the learned Counsel for the petitioners sought for allowing this petition as prayed for.

4.It is seen from the records that appeal filed by the petitioners dated 05.02.2020 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 is pending before the first respondent. Hence, the first respondent is directed to dispose of the appeal dated 05.02.2020 under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 within a period of one week from the date of receipt of a copy of this Order after giving notice and sufficient opportunity to the petitioners. Till the Judgment is passed in the appeal and the same has been served on the petitioners, no coercive steps should be taken by the respondents against the petitioners to disturb the possession of the property of the petitioners.

5.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Chennai (Central),
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Chennai 600 001.
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3. The Tahsildar,
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Tiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai - 600 053.

+1cc to the Government Pleader in SR.NO..21139

+1cc to Mr.B.Deepak Narayan, Advocate in SR.NO..21049

W.P.No.4212 of 2020
and
W.M.P.No.4978 of 2020

SS(CO)
RV(28/10/2020)



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