



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.8330 of 2020
and
W.M.P.No.9983 of 2020

Sathiyamoorthy
S/o.M.Mohan

... Petitioner

Vs.

The District Collector,
Office of the District Collector,
Erode District,
Erode.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing respondent to dispose of the appeal dated 17.07.2019 in Na.Ka.No.3372/2018/Oo1 pending on the file of the respondent u/s.10 of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner : Mr.E.Mohan
For Respondent : Mr.E.Balamurugan
Special Government Pleader

ORDER

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

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing respondent to dispose of the appeal dated 17.07.2019 in Na.Ka.No.3372/2018/Oo1 pending on the file of the respondent u/s.10 of the Tamil Nadu Land Encroachment Act, 1905.

2. Heard learned counsel for petitioner and learned Government Pleader appearing for respondent.

3. Learned counsel for petitioner submits that petitioner is in possession and enjoyment of the land situated at Kudisaipagudhi Village, Poiyerikarai, Erode Taluk, Erode District, in T.S.No.27/3 along with his family. Petitioner has



put up a terrace house measuring to an extent of 280 sq.ft. bearing Door No.166, Gandhiji Road, Erode District. Conditional Patta was also granted in the year 2001. While so, on 13.07.2019, a show cause notice u/s.6 of the Tamil Nadu Land Encroachment Act, 1905, was illegally issued by the Tahsildar, Erode, classifying petitioner's property as 'Odai'. Petitioner's neighbours were also served with such show cause notice. No notice u/s.7 of the aforesaid Act was issued. Petitioner preferred an appeal before the respondent u/s.10 of the Encroachment Act, 1905 on 17.07.2019 and the same is pending disposal. The grievance of the petitioner is that respondent is taking coercive steps to evict him and others without considering the appeal. Hence, petitioner has filed the present petition seeking the aforesaid relief.

3. Learned Special Government Pleader appearing for respondent submits that the appeal preferred by the petitioner will be disposed of at the earliest.

4. Considering the submission of learned Special Government Pleader, this Court directs the respondent to dispose of the petitioner's appeal dated 17.07.2019 at the earliest, in any event, within a period of eight weeks from the date of receipt of this order. It is made clear that this Court has not expressed any opinion on the merits of the case and it is for the respondent to consider the petitioner's claim and pass orders on merits and in accordance with law.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

gm

To
The District Collector,
Office of the District Collector,
Erode District,
Erode.

W.P.No.8330 of 2020

KK(CO)
RMP(14/07/2020)