

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

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

Writ Petition No.35946 of 2019

G.Chinnaiyan
S/o.Gopal

... Petitioner

Vs

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Revenue Divisional Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 4.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.
- 5.The Revenue Inspector,
The Pachchal Revenue Firka,
Pachchal Village, Chengam Taluk,
Thiruvannamalai District.
- 6.The Village Administrative Officer,
Kannakurukkai Revenue Village,
Pachchal Post,
Chengam Taluk,
Thiruvannamalai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents to consider the petitioner's representation/appeal dated 18.12.2019 within a stipulated time, as against the order passed by third respondent in Na.Ka/B4/3124/2019 dated 02.12.2019.

For Petitioner : Mr.K.Kathiresan

For Respondents: Mr.K.S.Suresh
Government Advocate

O R D E R

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

The present Writ Petition has been filed seeking issuance of a Writ of Mandamus directing respondents to consider the petitioner's representation/appeal dated 18.12.2019 within a stipulated time, as against the order passed by third respondent in Na.Ka/B4/3124/2019 dated 02.12.2019.

2. Heard learned counsel for petitioner and learned Government Advocate appearing for respondents.

3. Learned counsel for petitioner submits that the petitioner is residing at Survey No.118/5, 88/1 measuring 0.01.05 Ars, Beemananthal Village, Paichchal Post, Chengam Taluk, Thiruvannamalai District and he has been in possession for more than 30 years. The subject land is purely a private land. While so, third respondent issued eviction notice u/s.6 of the Tamil Nadu Land Encroachment Act, 1905, as if the petitioner had encroached the said land, without following the procedure u/s.7 of the Tamil Nadu Land Encroachment Act, 1905. Challenging the notice issued by third respondent, petitioner preferred an appeal dated 18.12.2019 before the first respondent. However, the same has not been disposed of. Hence, the present Writ Petition has been filed seeking the aforesaid relief.

4. Heard learned Government Advocate appearing for respondents on the above submissions.

5. Considering the submissions made, this Court directs the first respondent to consider the petitioner's appeal dated 18.12.2019 and after affording an opportunity of personal hearing to the petitioner and the necessary parties, pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Revenue Divisional Officer,
Thiruvannamalai District,
Thiruvannamalai.
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Chengam Taluk,
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Thiruvannamalai District.
- 6.The Village Administrative Officer,
Kannakurukkai Revenue Village,
Pachchal Post,
Chengam Taluk,
Thiruvannamalai District.

+1cc to Mr.K.Kathiresan, Advocate Sr.748
+1cc to the Government pleader Sr.1318

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srg 13/02/2020