



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.12.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.21085 of 2021
and W.M.P.No.22342 of 2021

Pandurangan

... Petitioner/Petitioner

-vs-

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai.

3.The Block Development Officer,
Thurinchapuram Union,
Tiruvannamalai Taluk,
Tiruvannamalai District.

4.Sekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in his proceedings in Na.Ka.Oo.A3/5306/2016 dated 06.09.2021 and quash the same.

For petitioner : Mr.B.Jawahar

For respondents: Mr.K.V.Sajeev Kumar
Special Government Pleader
for RR 1 to 3
Mr.V.Thiyagarajan for R4



ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J.,)

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The petitioner challenges the letter of the 3rd respondent in Na.Ka.Oo.A3/5306/2016 dated 06.09.2021.

2.We have heard Mr.B.Jawahar, learned counsel for the petitioner; Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.V.Thiyagarajan, learned counsel appearing for the 4th respondent.

3.The 4th respondent filed W.P.No.32333 of 2019 alleging encroachment in Survey Nos.382 and 386, which has been classified as "Odai Poramboke" in Sorakolathur Village, Tiruvannamalai District. The said writ petition was disposed of on 18.11.2019, directing the 2nd respondent therein viz., The Tahsildar, Tiruvannamalai Taluk, Tiruvannamalai District, to take action in accordance with law, after putting on notice, the encroachers including the petitioner. Pursuant to that the Tahsildar initiated proceedings under the Land Encroachment Act. A notice under Section 6 of the Act was passed on 28.02.2020 against the petitioner, mentioning he has encroached 0.01.0 ares in Survey Nos.382 and 386.

4.The learned counsel for the petitioner would state that aggrieved over the order passed under Section 6 of the Act, the petitioner has preferred an appeal before the 1st respondent on 18.03.2020. When the appeal is pending, the impugned notice has been issued by the 3rd respondent.

5.Mr.K.V.Sajeev Kumar, learned Special Government Pleader would state that since no stay has been granted in the appeal preferred by the petitioner, the impugned notice has been issued to remove the encroachment. He further stated that the appeal preferred by the petitioner is still pending before the 1st respondent.

6.It is the submission of the learned counsel for the 4th respondent, Mr.V.Thiyagarajan, that an order under Section 6 was also passed against the 4th respondent, however, immediately he removed the encroachment, but the petitioner alone not removed the encroachment made by him.



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7. Perusal of the impugned order shows that the 3rd respondent has sent a letter to the 2nd respondent for his appearance before the land in dispute on 23.09.2021, to remove the encroachment.

8. Taking note of the fact that the appeal preferred by the petitioner is still pending before the 1st respondent/The District Collector, Tiruvannamalai District, the appellate authority is directed to dispose of the appeal of the petitioner dated 18.03.2020 on merits and in accordance with law after affording personal hearing of the petitioner within a period of six months from the date of receipt of a copy of this order. Till then, the official respondents are directed to maintain status quo.

9. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai.
3. The Block Development Officer,
Thurinchapuram Union,
Tiruvannamalai Taluk,
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