



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

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

W.P.No.20872 of 2021
and
W.M.P.No.22138 of 2021

Murugan

...Petitioner

Vs.

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

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to take the petitioner's appeal dated 25.08.2021 on file under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

For petitioner : Mr.B.Mohan

For respondent : Mr.T.N.C.Kaushik
Govt. Counsel

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus directing the respondent to take petitioner's appeal dated 25.08.2021 on file under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.

2.The petitioner would state that he is in possession and enjoyment of the land situated at Bargur village, Elachipalayam Colony, Thaamaraikarai Post, Bargur, Erode District. He has put up a house measuring to an extent of 1.57 hectares bearing Door No.86/A. It is also stated that he is paying property tax to the local body. He was issued with Ration Card and Adhaar Card.



3.It appears that the Tahsildar, Anthiyur has already initiated the proceedings under the Tamil Nadu Land Encroachment Act to evict the petitioner and an order under Section 6 of the Act came to be passed on 25.09.2020. Aggrieved over the same, the petitioner is said to have preferred an appeal before the respondent on 25.08.2021. It is alleged that the respondent refused to take up the appeal.

4.It is apposite to mention that Section 11 prescribes 30 days to file appeal. Section 11(4) of the Act empowers the appellate authority to condone the delay in filing the appeal. Perusal of the records would show that the petitioner filed an appeal out of time without an application to condone the delay. Hence, we are not inclined to entertain this writ petition. If the petitioner files an application for condonation of delay in filing the appeal, the respondent shall consider the same on merits and in accordance with law.

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

Sd/-
Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

skn

To

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

+1cc to Government Pleader SR.No.51287

W.P.No.20872 of 2021
and
W.M.P.No.22138 of 2021

PMK (CO)
GMY (27/10/2021)