



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.12.2021
CORAM:
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM
W.P.No.26563 of 2021

D.Sureshkumar

...Petitioner

Vs.

- 1.The Principal Secretary &
Commissioner of Land Administration,
Ezhilagam,
Chennai - 600 005.
- 2.The District Collector,
Collectorate,
GST Road,
Chengalpattu District.
- 3.The Assistant Settlement Officer (South)
Tamil Nadu Land Administration Department,
Survey House, Chepauk,
Chennai - 600 005.
- 4.The Tahsildar, Pallavaram Taluk,
Kurunji Nagar, Kannikoil Street,
Chrompet, Chennai 600 044.
- 5.Revenue Inspector,
(for St. Thomas Mount Village)
GST Road,
Pallavaram, Chennai 600 043.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider and dispose of the appeal of the petitioner dated 21.09.2021 under Section 10 of the Tamil Nadu Land Encroachment Act 3 of 1905 within a time frame in respect of the leasehold property possessed by the petitioner.

For Petitioner : Mr.V.Rajasekar

For Respondents : Mr.K.V.Sajeevkumar
Spl. Govt. Pleader



ORDER

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

Mr.K.V.Sajeevkumar, learned Special Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of a Writ of Mandamus directing the second respondent to consider and dispose of the appeal of the petitioner dated 21.09.2021 under Section 10 of the Tamil Nadu Land Encroachment Act 3 of 1905 within a time framed.

3.It is the case of the petitioner that he is a lessee in the land in S.No.442 of St. Thomas Mount, Chengalpatti District. The fourth respondent issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act stating that the petitioner encroached upon the Government Poramboke land. It appears that the petitioner instead of giving reply to the notice, has sent a representation to the respondents and he is seeking a direction in this writ petition for disposal of the representation (appeal).

4.It is the submission of the learned Special Government Pleader appearing for the respondents Mr.K.V.Sajeevkumar that the petitioner is having right to file an appeal only as against the order passed by the fourth respondent and the present writ petition is not maintainable.

5.In the light of the above facts, we direct the petitioner to give a reply to the notice issued by the fourth respondent under Section 7 of the Act and on receipt of reply, the fourth respondent shall pass orders after affording ample opportunity to the petitioner within a period of two months.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar



To

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(for St. Thomas Mount Village)
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Pallavaram, Chennai 600 043.

+3cc to Mr.V.Rajasekar, Advocate, S.R.No.66955

+1cc to the Government Pleader, S.R.No.67103

W.P.No.26563 of 2021

PPA(CO)
KM(05/01/2022)