



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

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

W.P.No.25529 of 2021
and
W.M.P.No.26951 of 2021

K.Baskaran

...Petitioner

Vs.

1.District Collector,
Myladuthurai District-609 001.

2.Revenue Divisional Officer,
Sirkali,
Myladuthurai District-609 110.

3.The Tahsildar,
Taluk Office,
Sirkali,
Myladuthurai District - 609 110.

...Respondents

Prayer :Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the respondents from evicting the petitioner under the Land Encroachment Act, 1905 in respect of land in S.No.313/1 of Manigramam Village, Sirkali Taluk, Mayliduthurai District.

For petitioner : Mr.M.V.Venkataseshan

For respondents : Mr.M.Alagu Gautham
Govt. Advocate



ORDER

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

We have heard Mr.M.V.Venkateseshan, learned counsel appearing for the petitioner and Mr.M.Alagu Gautham, learned Government Advocate appearing for the respondents.

2.This writ petition has been filed seeking for issuance of a Writ of Mandamus forbearing the respondents from evicting the petitioner from the land in S.No.313/1 of Manigramam Village, Sirkali Taluk, Mayliduthurai District.

3.The learned counsel appearing for the petitioner Mr.M.V.Venkateseshan would state that the petitioner is in possession of the land measuring an extent of 500 square feet in S.No.313/1. The third respondent issued a notice under Section 7 of the Land Encroachment Act, for which, the petitioner pleaded time to give reply. However, without considering his request, an order under Section 6 of the Act was passed on 29.10.2021. Aggrieved over the same, the petitioner has preferred an appeal before the Revenue Divisional Officer, the second respondent herein. During the pendency of the appeal, the respondents are attempting to evict the petitioner. Hence, the petitioner has come before this Court.

4.The learned Government Advocate appearing for the respondents Mr.M.Alagu Gautham would submit that as per the Section 10 of the Land Encroachment Act, the petitioner has to prefer an appeal before the District Collector, the first respondent herein, but so far no appeal has been filed.

5.In the light of the above fact and the submissions of the learned counsel appearing on either side, we direct the petitioner to file an appeal against the order passed by the third respondent dated 29.10.2021 before the first respondent within a period of three weeks from the date of receipt of a copy of this order. If the appeal is filed in time, the first respondent shall entertain and disposed of the same on merits and in accordance with law, after providing ample opportunity to the petitioner. Till then, no coercive steps shall be taken against the petitioner.



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

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

1. The District Collector,
Myladuthurai District-609 001.
2. The Revenue Divisional Officer,
Sirkali,
Myladuthurai District-609 110.
3. The Tahsildar,
Taluk Office,
Sirkali,
Myladuthurai District - 609 110.

+2cc to Mr.M.V.Venkataseshan, Advocate Sr.63983
+1cc to the Government Pleader Sr.64329, 64392

W.P.No.25529 of 2021
and
W.M.P.No.26951 of 2021

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srg 11/01/2022