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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 17.12.2021

CORAM:

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

W.P. No.27171 of 2021
and
WMP.No.28664 of 2021

P.K.Raj

.. Petitioner

Versus

1. The District Collector,
Tiruppur District, Tiruppur.

2. The Tahsildar,
Dharapuram Taluk, Dharapuram,
Tiruppur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the first respondent to dispose the statutory appeal filed by the petitioner on 07.12.2021 within a stipulated time.

For petitioner : Mr.C.Prakasam

For respondents : Mr.V.P.R.Elamparithi

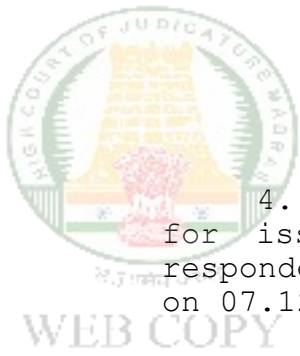
ORDER

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

The Writ Petition is heard through video conferencing.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.V.R.Elamparithi, learned Additional Government Pleader appearing for the respondents.

3. By consent of the parties, the Writ Petition is taken up for final disposal at the admission stage itself.



4. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the first respondent to dispose of the statutory appeal preferred by him on 07.12.2021 within a specific time.

5. The learned counsel appearing for the petitioner Mr.C.Prakasam would submit that the petitioner's father purchased 1.13 acres of land in Old S.No.142, New R.S.No.249/1 at Periyakumarapalayam Village, in Dharapuram Taluk by a registered sale deed, dated 07.12.1981. The officials have also issued patta, however, in the UDR patta, the extent of land was reduced to 0.45.00 hectare, i.e. by reducing 2 ½ cents from the original title documents.

6. The learned counsel appearing for the petitioner further submitted that at the instigation of one Shanmugasundaram, and pursuant to the order passed in W.P.No.14218 of 2021, the second respondent initiated proceedings and passed an order under Section 6 of the Land Acquisition Act. Challenging the same, the petitioner has preferred an appeal before the first respondent. When the appeal is pending, the respondents have attempted to demolish the compound wall of the petitioner. He further added that till the disposal of the appeal, the respondents may be directed to not to interfere with the said land.

7. Per contra, the learned Additional Government Pleader appearing for the respondents Mr.V.P.R.Elamparithi would state that the petitioner is entitled to file a stay petition along with the appeal filed under Section 10 of the Act, but no such application is filed before the competent authority.

8. It is further submitted that the appeal is pending before the first respondent and he is ready to pass orders in accordance with law.

9. Considering the facts of the case and the submissions of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to dispose of the appeal preferred by the petitioner dated 07.12.2021 on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner and other necessary parties. Till such time, no coercive steps shall be taken by the respondents.



10. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Tahsildar,
Dharapuram Taluk, Dharapuram,
Tiruppur District.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.68830

W.P. No.27171 of 2021

GSM[col]
NSK 10/01/2022