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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

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THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.7097 of 2022 and WMP.No.7113 of 2022

Malliga

... Petitioner

-vs-

1. The District Collector,
Chenglepet District,
Chenglepet.
2. The Revenue Divisional Officer,
Chenglepet, Chenglepet District.
3. The Tahsildar,
Chenglepet Taluk & District.
4. The Revenue Inspector,
Kattankulathoor Sub-Circle,
Chenglepet Taluk & District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent/Appellate Authority to take up the petitioner's Stay Petition and Appeal Petition dated 21.03.2022 filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 as against the order dated 17.03.2022 passed by the 3rd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and decide the same on merits and in accordance with law, within a period fixed by this Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.A.Selvendran,
Spl. Govt. Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent/Appellate



Authority to take up the petitioner's Appeal Petition along with Stay Petition dated 21.03.2022 filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 as against the order dated 17.03.2022 passed by the 3rd respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and decide the same on merits and in accordance with law, within a period fixed by this Court.

2. Heard the parties on either side.

3. It is the claim of the petitioner that she was initially residing in the land covered in Survey No.373/2, Kayarampedu Village, Sri Ram Naicker Main Road, Tamilselvi Nagar, Kancheepuram w.e.f. 1980 onwards. Along with the petitioner's family, 20 other families were also residing at that place. Since some of the persons approached this Court to remove them from the land under their possession and occupation at Kayarampedu Village, by filing a Writ Petition No.10246 of 2014, this Court vide order dated 05.09.2014 directed the respondent revenue officials therein to take action on the petitions of the writ petitioners. Subsequently, they were all evicted from the said Kayarampedu Village in the year 2015. However, considering their plight, the then Revenue Officials permitted them to put up huts and reside in the lands comprised in Survey No.377/1, now sub-divided as Survey No.377/1B, measuring 18.08.5 hectares, Ninnaikattur Village, Rajiv Gandhi Nagar, Kattankulathur Panchayat Union, Maraimalai Nagar, Chenglepet District. Therefore, from the year 2015 onwards, they are residing in the said land which is classified as 'Meikkal Poromboke' in the revenue records.

4. The further claim of the petitioner is that now there are 330 families residing in the subject property out of which nearly 30 families belong to Irular Community, classified as Scheduled Tribe Community and the petitioner belongs to Arunthathiyar Community classified as Scheduled Caste Community and all of them are living below poverty line. In the meanwhile, the 4th respondent herein, namely, The Revenue Inspector, Kattankulathur, Chengalpet Taluk, issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to the petitioner and other residents of the subject property to show cause as to why they should not be evicted from the subject property which is classified as 'Meikkal Poromboke' in the revenue records. Thereafter, the 3rd respondent has also issued notice under Section 6 of the Act. Challenging the same, the petitioner and others have also preferred an Appeal Petition along with Stay Petition dated 21.03.2022 before the 1st respondent, namely, the District Collector, Chenglepet, who is the appellate authority to consider the same. In the meanwhile, the respondents 2 to 4 are continuously threatening the



petitioner and others to vacate the subject property within seven days. According to the petitioner, when the Statutory Appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, explaining on what circumstances she was placed in the place-in-question, is pending before the Appellate Authority for consideration, she cannot be evicted from the said place.

5. Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents 1 to 4 would submit that after taking action under the Tamil Nadu Land Encroachment Act, 1905 by issuing a notice under Section 7 followed by the proceedings under Section 6, the petitioner has filed an appeal before the 1st respondent herein and the same would be disposed of within four weeks' time on merits and in accordance with law.

6. Recording the said submission of the learned Special Government Pleader for the respondents, we hereby direct the 1st respondent herein, namely, the District Collector, Chenglepet District, to dispose of the petitioner's appeal along with Stay Petition dated 21.03.2022 on merits and in accordance with law, within a period of four weeks form the date of receipt of a copy of this Order. Till then, the respondents shall maintain status quo as on today.

7. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chenglepet District,
Chenglepet.
2. The Revenue Divisional Officer,
Chenglepet, Chenglepet District.
3. The Tahsildar,
Chenglepet Taluk & District.



4. The Revenue Inspector,
Kattankulathoor Sub-Circle,
Chenglepet Taluk & District.

+1cc to Mr.K.Premkumar, Advocate, S.R.No.20271

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W.P.No.7097 of 2022

SMI (CO)
SB(29/03/2022)