



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.8554 of 2022 and WMP.No. 8457 of 2022

1. M.Raphael
2. M.Ramu
3. G.Sankar
4. S.Selvam
5. Krishnaveni

...Petitioners

-vs-

1. The District Collector,
Chennai District,
Singaravelar Maligai,
Rajaji Salai, Chennai-600 001.
2. The Tahsildar,
Mylapore-Triplicane Taluk,
Taluk Office, Greenways Road,
Chennai-600 028.
3. The Assistant Engineer, PWD,
Water Resources Organisation,
Adyar Basin Sub-Division,
Chepauk, Chennai-600 005.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent herein to immediately proceed with the appeal preferred by the petitioners under Section 10(a) of the Land Encroachment Act, dated 11.11.2019 pending before the 1st respondent, within a time to be stipulated by this Court.

For Petitioners	:	Mr.V.Ramana Reddy
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 to issue a Writ of Mandamus, directing the 1st respondent herein to immediately proceed with the appeal preferred by the petitioners under Section 10(A) of the Tamil Nadu Land Encroachment Act, dated 11.11.2019 pending before him, within a time to be stipulated by this Court.

2. Learned Counsel appearing for the petitioners would submit that when the petitioners are in possession of the land and building at No.85/1, Elango Street, Govindasamy Nagar, Raja Annamalaipuram, Chennai-28 for the past two decades, the said land was allotted by the then Tamil Nadu Slum Clearance Board providing all basic amenities, therefore, they are living peacefully without any hindrance from any parties. But the 2nd respondent herein, namely, The Tahsildar, Mylapore-Triplicane Taluk, Chennai-28 has issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act (Act 3 of 1905) to each of the petitioners on 06.08.2009 followed by another notice under Section 6 of the said Act on 24.08.2009 with wrong particulars of extent of occupation, total area etc. for evicting the petitioners from the land-in-question. Therefore, the said notices are arbitrary, illegal, unjust and unenforceable.

3. Learned Counsel for the petitioners would further submit that subsequently, when they were denied patta, the petitioners have filed a Writ Petition in W.P.No.18159/2009, and vide order dated 19.07.2019 this Court directed them to approach the 1st respondent herein by filing an appeal under Section 10-A of the Tamil Nadu Land Encroachment Act and accordingly, they have filed an appeal dated 11.11.2019 and the same is pending consideration. In the meantime, the 3rd respondent has issued the Eviction Notices dated 07.03.2022 and 09.03.2022 respectively. Therefore, the petitioners have filed this Writ Petition before this Court.

4. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents would submit that already there was an order passed by the Hon'ble Apex Court in SLP.No.25401-25403-2009 dated 11.02.2011 observing that the encroachments made in Elango Street in Mylapore Village, Block No.87 and R.S.No.3961/3, Raja Annamalaipuram Govindasamy Nagar, Elango Street, have to be removed. Accordingly, the respondents herein have also initiated action for the removal of the encroachments. Secondly, the learned Special Government Pleader would further



submit that the appeal filed by the petitioners under Section 10-A of the Act is likely to be taken up by the District Collector, Chennai for disposal on 07.04.2022 (to-day).

5. Therefore, recording the statement of the learned Special Government Pleader for the respondents that the pending appeal under Section 10A of the Act filed by the petitioners herein is likely to be taken up for disposal on 07.04.2022 (today), the Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Chennai District,
Singaravelar Maligai,
Rajaji Salai, Chennai-600 001.
2. The Tahsildar,
Mylapore-Triplicane Taluk,
Taluk Office, Greenways Road,
Chennai-600 028.
3. The Assistant Engineer, PWD,
Water Resources Organisation,
Adyar Basin Sub-Division,
Chepauk, Chennai-600 005.

+1 CC to Mr.V.Ramana Reddy, Advocate sr 24012

+1 CC to The Government Pleader sr 24713.

W.P.No.8554 of 2022

AD(CO)
SP(02/05/2022)