



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.Nos.10805 to 10809 of 2022

and W.M.P.Nos.10438 to 10442 of 2022

Annakili	... Petitioner in WP.10805/22
Jannath Nisha	... Petitioner in WP.10806/22
Kokilavani	... Petitioner in WP.10807/22
Rabiyammal Ayup Ali	... Petitioner in WP.10808/22
Sindhumathi	... Petitioner in WP.10809/22

vs

1. The Commissioner,
Land Administration, Chepauk,
Chennai 600 005.
 2. The District Collector,
Office of the Collectorate, Tiruppur.
 3. The Assistant Executive Engineer (WRD),
Irrigation Division, Tiruppur.
 4. The Tahsildar,
Tiruppur North, Kumaran Road,
Tiruppur.
- ... Respondents in all WPs.

Common Prayer: Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to consider and dispose of petitioners' appeals dated 21.01.2022 pending before 2nd respondent against notice issued by the 3rd respondent under Section 6 of The Tamil Nadu Land Encroachment Act, 1905.

For the Petitioners:Mr.P.Satheesh Kumar

For the Respondents :Mr.P.Muthukumar,
R1 to 4 Assisted by Mr.A.Selvendran,
State Government Pleader



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COMMON ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petitions have been filed to seek a direction on the second respondent for consideration and disposal of the appeals preferred by the petitioners against the notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. It is stated that after notice under Section 6 of the Act of 1905, the petitioners have preferred appeals, but the same have not been considered and decided and therefore, the petitioners were left with no option but to prefer the writ petitions to seek a direction for expeditious disposal of the appeals.

3. Mr.P.Muthukumar, learned State Government Pleader, has opposed the petitions. He submits that the petitioners have encroached the land classified as 'Odai Poromboke' and therefore, after taking the process under the Act of 1905, notice under Section 6 has been given. He submits that the petitioners have failed to show title or right of possession of the land which is classified as 'Odai Poromboke' and therefore, no ground is made to issue direction on the appellate authority to expeditiously decide the appeals as otherwise the petitioners should have pursued the disposal of the appeals and otherwise the writ petitions have been filed immediately after filing of the appeals without waiting even for a reasonable time for the appellate authority to look into the grounds taken in the appeals for their disposal.

4. We have considered the rival submissions of the parties and find that after notice under Section 6 of the Act of 1905, the petitioners are said to have preferred appeals and if appeals have been preferred, it is obligatory on the part of the appellate authority to hear and decide the appeals without delay.

5. Therefore, we dispose of these writ petitions with a direction to the appellate authority to hear and decide the appeals expeditiously and not later than two months from the



date of receipt of a copy of this order. The appellate authority will take care of the nature of the land as per the revenue records and the allegations made in the notice. No costs. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

sra

To:

1. The Commissioner,
Land Administration, Chepauk,
Chennai 600 005.
2. The District Collector,
Office of the Collectorate, Tiruppur.
3. The Assistant Executive Engineer (WRD),
Irrigation Division, Tiruppur.
4. The Tahsildar,
Tiruppur North, Kumaran Road,
Tiruppur.

+lcc to the Government Pleader Sr.33216 [20/06/2022]

W.P.No.10805 to 10809 of 2022

jpl[col]

srg 10/06/2022