



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2022

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN

AND

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.Nos.12171, 12180 and 12207 of 2022

&

WMP.Nos.11621, 11630 and 11658 of 2022

Lakshmi	.. Petitioner in WP.12171/2022
Pandian	.. Petitioner in WP.12180/2022
Muthu	.. Petitioner in WP.12207/2022

Vs.

1. The District Collector, Office of the Collectorate, Chengalpattu District-603001.
2. The Tahsildar, Cheyyur Taluk, Chengalpattu District-603001.
3. The Project Director, Project Implementation Unit, National Highways Authority, Chengalpattu District-603001.
4. The Block Development Officer, Village Panchayat, Lathur @ Pavunjur, Chengalpattu District. 603001.
5. The Special Tahsildar, Land Acquisition Unit-II for NH 332-A, National Highways Authority, Chengalpattu District. 603001.

.. Respondents in all the WPs



Common Prayer: Petitions filed under Article 226 of the Constitution of India praying for Writs of Mandamus directing the first respondent to pass orders upon the petitioners' appeal dated 29.3.2022 within a time frame and to not to evict the Petitioner till the disposal of the same.

For Petitioners : Mr.M.Elumalai

For Respondents : Mr.A.Selvendran,
Special Government Pleader

COMMON ORDER

(Order of the Court was made by R.Mahadevan,J)

Mr.A.Selvendran, learned Special Government Pleader accepts notice for the respondents.

2. We have heard the learned counsel appearing for the respective parties.

3. According to the petitioners, they have been in continuous and uninterrupted possession and occupation of the lands in S.No.258/1, which was classified as Government poramboke and reclassified as S.No.258/1B, Mugaiyur village, Cheyyur Taluk, Chengalpattu District. They have been living along with their families for more than 40 years by constructing houses and paying property tax, electricity charges etc. to the Government authorities. Taking note of their long possession of the petitioners, the Mugaiyur Panchayat passed a resolution dated 13.04.2007 to grant patta to them. While so, the Government issued a notification for acquiring the said lands for a scheme of laying 4 lane road from Chennai to Puducherry, against which, WP.No.23410 of 2021 came to be filed and the same is pending. When the things stood thus, the fourth respondent issued notices dated 28.09.2007 under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, to which, the petitioners submitted their replies. Taking note of the same, the said proceedings were dropped by the authorities. Thereafter, the fourth respondent again issued notices dated 31.08.2021 under section 6 of the Tamil Nadu Land Encroachment Act, 1905. Challenging the same, the petitioners preferred appeals under section 10, before the first respondent on 29.03.2022 and the same are pending without any consideration. Therefore, these writ petitions have been filed seeking a direction to the first respondent to dispose of the said appeals preferred by them.

4. Considering the limited relief sought in these writ petitions, without going into the merits of the case, we direct



the first respondent to dispose of the appeals dated 29.3.2022 filed by the petitioners, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. Till the disposal of the appeals by the first respondent, the parties shall maintain status quo as on date.

5. All these writ petitions are disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. There will be no order as to costs.

Sd/-

Vacation Officer

True Copy//

Sub Assistant Registrar

RS

To

1. The District Collector, Office
of the Collectorate,
Chengalpattu District-603001.
2. The Tahsildar, Cheyyur Taluk,
Chengalpattu District-603001.
3. The Project Director, Project
Implementation Unit, National
Highways Authority,
Chengalpattu District-603001.
4. The Block Development Officer,
Village Panchayat, Lathur @ Pavunjur,
Chengalpattu District 603001.
5. The Special Tahsildar,
Land Acquisition Unit-II for
NH 332-A, National Highways Authority,
Chengalpattu District 603001.

+1cc to the Government Pleader, S.R.No.31202

WP.Nos.12171, 12180 & 12207/2022 &

WMP.Nos.11621, 11630 & 11658/2022

KJ[co]

NSK/02/06/2022