



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.No.12127 of 2022

Malliga

.. Petitioner

Vs.

1. The District Collector
Thiruvallur
Thiruvallur District.
2. The District Revenue Officer
Thiruvallur
Thiruvallur District.
3. The Revenue Divisional Officer
Thiruvallur
Thiruvallur District.
4. The Tahsildar
Taluk Office
Thiruvallur
Thiruvallur District.
5. The Revenue Inspector
Pandur Firka
Pandur
Thiruvallur (TK) and (DT).

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the third respondent to consider and dispose of the appeal filed against the impugned notice issued by the respondents 4 and 5 dated 15.09.2020 and 14.10.2020.



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For the Petitioner : Mr.G.Sivakumar

For the Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by
Mr.A.Selvendran
Special Govt. Pleader

ORDER

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

The above writ petition has been filed seeking a direction to the third respondent to consider and dispose of the appeal dated 25.03.2022.

2.According to the petitioner, originally, claiming herself to be a homeless adidraavidar community, she submitted a representation dated 29.06.1998 to the first respondent for getting patta for the land in S.No.311/6 situated in Pattaraiperumbudhur Village, Thiruvallur Taluk and District. The Pattaraiperumbudhur Village Panchayat also passed a resolution on 14.08.2001 allotting the said land to the petitioner and recommended the same to the first respondent. Subsequently, by proceedings in O.Mu.No.4257/2004/A2 dated 20.05.2005, the third respondent directed the fourth respondent to conduct enquiry and submit a report as regards the claim of the petitioner. However, no action was forth coming, which compelled the petitioner to send repeated reminders to the first respondent. Thereafter, by communication in Na.Ka.No.13072/2020/No.1 dated 03.11.2020, the second respondent directed the fourth respondent to take action on the petitioner's representation. Consequently, the fifth respondent initiated the proceedings and issued notice dated 15.09.2020 under section 7 of the Tamil Nadu Land Encroachment Act, 1905. Following the same, the fourth respondent sent a notice dated 14.10.2020 under section 6 of the Act. Challenging those two notices, the petitioner preferred an appeal before the third respondent on 25.03.2022, which is pending without any action. Hence, this writ petition.

3.Heard Mr.G.Sivakumar, learned counsel for the petitioner and Mr.J.Ravindran, learned Additional Advocate General representing Mr.A.Selvendran, learned Special Government Pleader taking notice for the respondents.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, we are of the considered opinion that it is for the petitioner to approach the Appellate Authority for passing



necessary orders in the stay application as well as in the appeal. If any request or application is being made by the petitioner, the Appellate Authority shall pass orders in the stay application immediately and thereafter, consider the appeal and pass orders on the same, on merits and as per law, after affording an opportunity of personal hearing to the petitioner, within a period of eight weeks.

5.The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, WMP No.11566 of 2022 is closed.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

kpl/RS

To:

1. The District Collector
Thiruvallur
Thiruvallur District.
2. The District Revenue Officer
Thiruvallur
Thiruvallur District.
3. The Revenue Divisional Officer
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4. The Tahsildar
Taluk Office
Thiruvallur
Thiruvallur District.
5. The Revenue Inspector
Pandur Firka
Pandur
Thiruvallur (TK) and (DT).

+1cc to Mr.G.Sivakumar, Advocate, S.R.No.31096

+1cc to the Government Pleader, S.R.No.31198

+1cc to Mr.G.Sivakumar, Advocate, S.R.No.31096 (16/05/2022)

W.P.No.12127 of 2022

RK(CO)

SB(16/05/2022)