



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Second day of June Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE M.S.RAMESH

AND

THE HON`BLE MR.JUSTICE MOHAMMED SHAFFIQ

WMP.No.13118 of 2022

IN WP.No.13844 of 2022

K.SUBBIAH

[PETITIONER]

Vs

1 THE DISTRICT COLLECTOR,
KANCHEEPURAM DISTRICT.

[RESPONDENTS]

2 THE THASILDHAR,
UTHIRAMERUR TALUK, KANCHEEPURAM DISTRICT.

3 THE REVENUE INSPECTOR,
THIRUPULIVANAM VILLAGE, UTHIRAMERUR TALUK,
KANCHEEPURAM DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of interim stay for the operation of the notice under Section 6 of the Tamil Nadu Act 3 of 1905 issued by the 2nd respondent vide Na.Ka.No.74/2022/A2 Dated 25.05.2022, (IN WMP.No.13118 of 2022) pending disposal of this WP.No.13844 of 2022.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.N.RAJAGOPALAN, Senior Counsel for M/S.N.KARTHIK KANNA, Advocate for the Petitioner and of MR.J.RAVINDRAN, Additional Advocate General assisted by MR.A.SELVENDRAN, Special Government Pleader for the Respondents, the court made the following order:-



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

2. It is seen that as against the impugned notice under Section 6 of the Tamil Nadu Act 3 of 1905, the petitioner has preferred a statutory appeal before the first respondent herein on 30.05.2022. In the said appeal, he has also moved an application seeking an interim stay of the eviction notice which is yet to be taken up for disposal. In the meantime, the petitioner apprehends that coercive action may be taken pursuant to the eviction notice and therefore, has filed the present writ petition.

3. This Court is of the view that when the stay application is pending before the appellate authority, it would not be appropriate for this Court to parallelly adjudicate the proceedings. Nevertheless, if the appellate authority is directed to dispose of the stay application within a stipulated time, the petitioner's grievance would be redressed.

4. In this background, there shall be a direction to the first respondent to dispose of the stay application in the appeal filed on 30.05.2022 within a period of four weeks from the date of receipt of a copy of this order. Till such disposal, the respondents shall not take any coercive action pursuant to the impugned notice dated 25.05.2022.

5. List the matter on 06.07.2022.

-sd/-
02/06/2022

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT COLLECTOR,
KANCHEEPURAM DISTRICT.

2 THE THASILDHAR,
UTHIRAMERUR TALUK,
KANCHEEPURAM DISTRICT.



3 THE REVENUE INSPECTOR,
THIRUPULIVANAM VILLAGE,
UTHIRAMERUR TALUK,
KANCHEEPURAM DISTRICT.

C.C. to M/S.A.SARAVANAN, Advocate SR.NO. 4174/2022.

Order
in
WMP.No.13118 of 2022
IN WP.No.13844 of 2022

Date :02/06/2022

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