



W.P. No.26723 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

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Francis Electrical Industries
Rep by its Managing Partner Jaganathan
S/o.Late Thiru. Kannan
No.36/144, Thangamapuri Pattanam
Mettur Dam, Salem District- 636 402. ... Petitioner

Vs

- 1.The District Collector
Salem District.
- 2.The Sub Collector (RDO)
Salem District- 636 402.
- 3.The Tahsildar
Mettur Salem District.
- 4.The Sub Registrar
Mettur Salem District. ... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing to the 1st respondent to dispose of the pending statutory appeal of the petitioner dated 27.07.2022 which is pending on the file of the 1st respondent in the proceedings F.No.90032/K2/2022 dated 27.07.2022 within stipulated



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period of time and in accordance with law.

For the Petitioner : Mr.A.Rajeshkanna

For the Respondents : Mr.P.Muthukumar,
State Government Pleader
for respondents 1 to 4

ORDER

(Made by the Hon'ble Acting Chief Justice)

Francis Electrical Industries, represented by its Managing Partner, Mr.Jaganathan, has approached this Court to invoke its extraordinary jurisdiction under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the first respondent to dispose of the pending statutory appeal in the proceedings in F.No.90032/K2/2022, dated 27.07.2022 within a stipulated time.

2. The petitioner's father established an industry by obtaining certificate of registration from the Commercial Taxes Department in TIN No.33653247197. It is also claimed that they have been regularly



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paying the property tax. After the demise of the petitioner's father on 22.01.1984, leaving behind his legal heirs viz., Tmt.Philomina (Wife), Thiru.Francis, Thiru.Irudhayanathan, Thiru.Sagayanathan, Thiru.Jaganathan (Writ petitioner), Thiru.Amalanatha and Tmt.Selvarasi, the family members carried on their father's business.

3. All of a sudden, the petitioner was shown as an encroacher by the second respondent. According to the petitioner, their family was enjoying the leasehold rights of the property and they are also prepared to pay the arrears of the lease amount, if any.

4. The impugned order dated 31.05.2022 was issued naming the petitioner as an encroacher for the reason that they failed to pay the lease amount regularly and thereby caused revenue loss to the Government. The Sub Collector, Mettur, also passed an order dated 31.05.2022 holding that the petitioner cannot continue to encroach the land belonging to the Government. Aggrieved thereby, the petitioner has filed an appeal before the District Collector, the first respondent herein, on 27.07.2022, in proceedings F.No.90032/K2/2022. Till date, there is no progress in the appeal. The petitioner has



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also moved an application seeking stay of the order dated 31.05.2022. The stay application has also not been taken up till date. Hence, the petitioner has approached this Court seeking a Writ of Mandamus directing the first respondent to dispose of the appeal.

5. We do not find any merits in this writ petition to give any direction to the first respondent for the reason that even as per the impugned order, the petitioner having enjoyed the leasehold rights from the first respondent, has abruptly stopped paying the lease amount. A person who has not paid the lease amount naturally becomes an encroacher. The Sub Collector, Mettur, has also rightly come to the conclusion that the petitioner is an encroacher. Therefore, we do not find any merit in this writ petition to give any positive direction to the first respondent to expedite the hearing of the appeal. The writ petition therefore fails and the same is dismissed. No costs.

(T.R., ACJ.) (D.K.K., J.)
11.10.2022

Index: Yes/No

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T.RAJA, ACJ,
and
D.KRISHNAKUMAR, J.
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