



W.P.No.28832 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.28832 of 2022

A.Amutha

.. Petitioner

Vs

1.The District Collector,
Collectorate, Salem.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Attur Taluk,
Salem District.

3.The Tahsildar,
Taluk Office,
Thalaivasal Taluk,
Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to dispose of the petitioner appeal dated 15.10.2022 within a time frame fixed by this Court.



W.P.No.28832 of 2022

For the Petitioner : Mr.A.Rajakumar

For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER

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

Ms.A.Amutha, daughter of Athiyappa Gounder, a resident of No.6/609 B, Mandapathu Kadu, Mummudi Village, Kattukottai, Thalaivasal Taluk, Salem District, has filed this writ petition for issuance of a writ of mandamus directing the first respondent to dispose of the appeal dated 15.10.2022 filed by her within a time frame.

2. It is the claim of the petitioner that the land in Survey No.98/1 situated at Mummudi Village, Thalaivasal Taluk, Salem District has been classified as Government land. The petitioner has been in possession and enjoyment of the said land for more than 20 years by cultivating turmeric plant, paddy, coconut tree. She had also dug a well after obtaining loan from the bank. Despite request made by the petitioner to the respondent authorities, she has not



W.P.No.28832 of 2022

been issued patta for the said land. While so, on 24.9.2022, the third respondent issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for short, "*the Act of 1905*"] to the petitioner. After the receipt of the said notice, the petitioner has submitted her reply along with relevant documents. Ignoring the reply, on 13.10.2022, the third respondent issued notice under Section 6 of the Act of 1905 to the petitioner. Aggrieved by the notice issued under Section 6 of the Act of 1905, the petitioner has preferred an appeal before the first respondent under Section 10-A of the Act of 1905 along with an application for stay under Section 10-B.

3. Learned counsel appearing for the petitioner submitted that though the appeal has been filed on 15.10.2022, the same has not been considered and disposed of by the first respondent till date and therefore a direction may be issued to the first respondent to dispose of the appeal dated 15.10.2022 within a period of two weeks.



W.P.No.28832 of 2022

4. At this stage, learned State Government Pleader submitted that he has received written instructions that the appeal will be decided by the first respondent within a period of 15 days.

5. Recording the submission made by learned State Government Pleader, we hereby direct the first respondent to dispose of the appeal dated 15.10.2022 filed by the petitioner on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order and communicate the decision thereon to the petitioner.

6. With the above direction, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.28122 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
01.11.2022

Index : Yes/No
bbr



W.P.No.28832 of 2022

To:

WEB COPY

- 1.The District Collector,
Collectorate, Salem.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Attur Taluk,
Salem District.
- 3.The Tahsildar,
Taluk Office,
Thalaivasal Taluk,
Salem District.



WEB COPY



W.P.No.28832 of 2022

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

bbr

W.P.No.28832 of 2022

01.11.2022