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W.P.No.29375 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29375 of 2022

K.Palaniswamy

.. Petitioner

Vs

1. The Tahsildar
Taluk Office, Upper Bazar
Ooty, The Nilgiris – 643 001.

2. The Revenue Inspector
Taluk Office, Upper Bazar
Ooty, The Nilgiris – 643 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents not to disturb the peaceful possession of land in Old R.S.No.244/2 (New R.S.No.482/2), until disposal of the statutory appeal dated 15.10.2022 filed by the petitioner under the Tamil Nadu Land Encroachment Act, 1905.



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For the Petitioner : Mr.S.T.S.Moorthy
Senior Counsel
for M/s.S.Varsha

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

ORDER

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

K.Palaniswamy, son of Karuppanna Gounder, has filed this writ petition seeking issuance of a writ of mandamus directing the respondents not to disturb the peaceful possession of land in Old R.S.No.244/2 (New R.S.No.482/2), until disposal of the statutory appeal dated 15.10.2022 filed by the petitioner under the Tamil Nadu Land Encroachment Act, 1905.

2. Mr.S.T.S.Moorthy, learned Senior Counsel appearing on behalf of the petitioner, submitted that the petitioner has cultivated crops like carrot and radish in the land in question and if six months' time is granted, the petitioner would complete the harvest and vacate the land. The petitioner has also filed an affidavit dated 10.11.2022 undertaking to complete the harvest and vacate the land within six months. The relevant portion of the said affidavit is extracted



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hereunder:

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"9. It is submitted that the land in question still contains standing live crops of carrot and radish and the petitioner herein needs a minimum period of 6 months to complete the harvest and vacate the land. It is also submitted that if the Petition is prevented from entering the land and maintaining the crops, it will cause irreparable financial loss to the petitioner since his livelihood is solely based on the agricultural income derived from the land in question and he has already invested huge amount of his savings in land to do cultivation."

3. In view of the aforesaid submission made by learned Senior Counsel for the petitioner and the undertaking given by the petitioner, this writ petition is disposed of by granting four months' time to the petitioner to complete the harvest and vacate the land in question to the first respondent. It is made clear that if the petitioner fails to handover the land on completion of four months, the respondents shall be at liberty to proceed further in accordance with law.



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There will be no order as to costs. Consequently,
W.M.P.No.28693 of 2022 is closed.

(T.R., ACJ.) (D.K.K., J.)
18.11.2022

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sasi

To:

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

(sasi)

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