



W.P.No.29746 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.29746 of 2022

Chetiannan @ Chettiya Gounder .. Petitioner

Vs.

1. The Revenue Divisional Officer
Attur, Salem District.
2. The Tahsildar
Gangavalli Taluk, Salem District.
3. The Revenue Inspector
Gangavalli
Gangavalli Post and Taluk
Salem District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the first respondent to hear the stay petition dated 05.11.2022 filed under Section 10B of the Tamil Nadu Land Encroachment Act, 1905 along with the appeal dated 05.11.2022 filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 preferred against the order of eviction dated



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01.11.2022 issued by the second respondent under Section 6 of the Tamil Nadu Land Encroachment Act in respect of the lands comprised in S.No.354/3 measuring 0.38 cents, S.No.354/4 measuring 0.13 cents and S.No.354/6 measuring 0.40 cents, totalling to 0.91 cents situate at Naduvalur Village, Gangavalli Taluk, Salem District, within the time fixed by this Hon'ble Court.

For the Petitioner : Mr.K.Premkumar

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

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed seeking a direction to the first respondent to hear the Stay Petition dated 05.11.2022, along with the Appeal dated 05.11.2022, filed under Sections 10B and 10 of the Tamil Nadu Land Encroachment Act, 1905 respectively.

2. According to the petitioner, he has been issued with a notice dated 17.10.2022 by the third respondent, under Section 7 of the Act, for which, he submitted his reply on 21.10.2022 and the same was received by the third respondent on 31.10.2022. On 04.11.2022,



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he has been issued with notice under Section 6 of the Act. Hence, he filed an appeal dated 05.11.2022 under Section 10 of the Act, along with a stay petition under Section 10B of the Act, before the first respondent. As the first respondent refused to take up the matter, he sent the appeal and the stay petition to the first respondent by registered post and has come up with this writ petition.

3. Learned State Government Pleader appearing for the respondents submitted that as per Section 10 the Act, an appeal shall lie to Collector against the order passed by a Tahsildar or Deputy Tahsildar or to such Officer as may be specified by the Government in this behalf and therefore, the petitioner has to file an appeal to the District Collector, Salem, as, till now, no notification has been issued delegating the power to the first respondent.

4. In view of the above, this writ petition is disposed of, directing the petitioner to file an appeal to the District Collector, Salem, within one week from the date of receipt of a copy of this order and if any such appeal is filed, the District Collector, Salem shall entertain the same and pass appropriate orders on merits and in



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accordance with law. Till the filing of the appeal, both the parties are directed to maintain status quo. There will be no order as to costs. Consequently, WMP No.29142 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
10.11.2022

Index : Yes/No

Note to Office:

Issue order copy on
or before 14.11.2022

kpl

To

1. The Revenue Divisional Officer
Attur, Salem District.
2. The Tahsildar
Gangavalli Taluk, Salem District.
3. The Revenue Inspector
Gangavalli
Gangavalli Post and Taluk
Salem District.



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J
(kpl)

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