



WEB COPY



W.P.No.35041 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

AND

THE HON'BLE MR. JUSTICE S.SOUNTHAR

Writ Petition No.35041 of 2022

and

W.M.P.No.34483 of 2022

P.Ruthira Murthy

... Petitioner

Versus

1.The District Collector,
Kancheepuram,
Kancheepuram District – 631 502.

2.The Revenue Divisional Officer,
Chengalpet,
Chengalpet District – 603 002.

3.The Thasildar,
Chengalpet,
Chengalpet District – 603 002.

4.The Revenue Inspector,
Chengalpet,
Chengalpet District – 603 002.

5. The Village Administrative Officer,
Chengalpet,
Chengalpet District – 603 002.

... Respondents



W.P.No.35041 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition, prohibiting the respondents from entering into my property being land measuring an extent of 4.00 Acres in Survey No.96/20 of Alapakkam Village, Chengalpet District, pending Appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, before the 1st respondent.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.E.Ranganayagi,
Additional Government Pleader

ORDER

[Order of the Court was made by C.V.KARTHIKEYAN,J.]

The Writ Petition has been filed in the nature of a Writ of Prohibition seeking prohibition against the respondent from entering into the property of the petitioner's land, which is land measuring an extent of 4 acres in Survey No.96/20 in Alapakkam Village Chengalpet District.

An Appeal is now pending before the 1st respondent/the District Collector/Kancheepuram District, which had been preferred under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.



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2. The petitioner had earlier filed W.P.No.24159/2019, before a Division Bench of this Court and by an order dated 20.08.2019 the Division Bench directed as under:

"5. We have gone through the document at page 47 of the typed set of papers annexed to the writ petition, which, according to the petitioner, is the appeal preferred by him to the District Collector. On going through the said document, we find that it is not an appeal and it is only a letter addressed to the District Collector, Kancheepuram. There is no reference at all in the said document to the notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. There is also no prayer in relation to the notice under Section 6 of the said Act. Thus, it cannot be said to be an appeal in relation to the notice under Section 6 of the said Act received by the petitioner.

6. In such case, it is not possible for this Court to direct the authority to consider the said 'appeal' at the earliest. It would be open to the



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petitioner to prefer an appeal to the competent authority along with an application for stay. If such an appeal is preferred, the authority to dispose of the same at the earliest.

With the above observations, the writ petition is disposed of. No costs. Consequently, W.M.P.Nos.23945 and 24126 of 2019 are closed".

3. The same order alone can follow and we are not inclined to issue any direction to the 1st respondent with respect to the time limit, but the petitioner may file necessary application for stay.

4. An Appeal has been filed. An application for stay may also be moved before the said Appellate Authority. Seeking a relief in a parallel forum before this Court cannot be encouraged.

5. The said relief has also been sought before the 1st respondent who can examine that particular petition and dispose it within a reasonable period of time.



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6. The Writ Petition therefore stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

(C.V.K.,J.) (S.S.,J.)
28.12.2022

Index : Yes/No

Internet : Yes/No

ssi/vsn

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