



W.P.No.6929 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M/s.Srinar Electronics Private Limited,
rep. by Prasanth Parthasarathy (Managing Director),
No.34/2b, NSC Bose Road,
Kelambakkam,
Chennai-603 103.

.. Petitioner

Vs

1.The Thasildar,
Thiruporur Taluk,
Thandalam,
Tamil Nadu – 603 105.

2.The District Collector,
District Collectorate,
GST Road,
Chengalpattu-603 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of eviction order dated 17.02.2023 passed by the first respondent in Na.Ka.No.258/2023/Aa2 and received by the petitioner on 24.02.2023 and quash the same and to direct the respondents not to dispossess the petitioner.



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For the Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for Mr.N.Jayakumar

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

ORDER

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

M/s.Srinar Electronics Private Limited, represented by Mr.Prasanth Parthasarathy, Managing Director, has questioned the impugned order dated 17.2.2023 passed by the first respondent rejecting the explanation submitted by the petitioner to the notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [for brevity, "*the Act*"]; and the consequential proceedings dated 17.2.2023 issued under Section 6 of the Act.

2. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner, would submit that the petitioner has purchased the property comprised in Survey No.37/1 measuring an extent of 80 cents in No.34, Egattur Village, Thiruporur Taluk, Chengalpet



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District, under a registered sale deed dated 29.7.2004. It is stated that even as per the parent documents given by the petitioner's vendor, namely (i) the registered sale deed dated 21.12.1992; (ii) the partition deed of the year 1940; (iii) a court decree of the year 1937 passed in O.S.No.110 of 1937, the property in question was in possession and enjoyment of the petitioner's predecessors-in-title. However, the petitioner was served with a notice under Section 7 of the Act calling upon them to remove the encroachment from the land in question. On receipt of the said notice, the petitioner had submitted a detailed reply enclosing copies of the documents, including parent documents, explaining that the petitioner has not made any encroachment. The first respondent, by order dated 17.2.2023, rejected the explanation given by the petitioner by passing a cryptic order, without assigning any reason. He submitted that the non-speaking order dated 17.2.2023 is liable to be set aside.

3. Learned Senior Counsel for the petitioner further submitted that as against the proceedings under Section 6 of the Act, the



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petitioner has filed an appeal before the second respondent/District Collector under Section 10 of the Act. When the petitioner is entitled to establish their possession and enjoyment over the land in question before the appellate authority by producing the relevant documents, even during the pendency of the appeal, the respondents are taking steps to evict the petitioner in a way to make the pending appeal infructuous. Therefore, he pleaded that till the disposal of the appeal by the second respondent, the respondent authorities may be enjoined from taking any further action to evict the petitioner from the land in question. He has also submitted that when the petitioner has purchased the property under a registered sale deed and has all the parent documents to show the continuous possession and enjoyment, they have a fair chance to succeed before the second respondent.

4. Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of the respondents, would submit that, if three weeks' time is granted, the second respondent will decide the appeal filed by the petitioner under Section 10 of the Act on the



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basis of records and till then the respondents shall not take any further action to evict the petitioner from the land in question.

5. Recording the aforesaid submission made by learned State Government Pleader, the writ petition is disposed of with a direction to the second respondent to consider the appeal filed by the petitioner under Section 10 of the Act on merits and in accordance with law, after considering the documents relied upon by the petitioner, within a period of three weeks from the date of receipt of a copy of this order. It is made clear that till the disposal of the appeal, the respondents shall not take any further action to evict the petitioner from the land in question. There will be no order as to costs. Consequently, W.M.P.No.7029 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
06.03.2023

Index : No
Neutral Citation : No
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To:

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