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W.P.No.13584/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.13584/2023
and
W.M.P.No.13261/2023

R.Prakash

... Petitioner

-Vs-

1.The District Collector,
(Appellate Authority under Section 10 of the
Tamil Nadu Land Encroachment Act 1905)
George Town, Rajaji Salai,
Chennai – 600 001.

2.The Assistant Executive Engineer,
PWD, Water Resources Department,
Cooum Basin Sub Division,
Chepauk, Chennai – 600 005.

3.The Assistant Engineer,
PWD, Water Resources Department,
Cooum Basin Sub Division,
Chepauk, Chennai – 600 005.

...Respondents



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Prayer: Writ Petition filed under Section 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus directing the 1st respondent to dispose of the Appeal and Stay Application dated 10.03.2023 filed by the petitioner against the Notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 dated 08.10.2018 and till such time, the respondents 2 and 3 not to evict the petitioner from the land measuring 30 feet in breadth adjoining petitioner's Plot No.74 on the eastern boundary in T.S.No.62 of Vada Agaram Village, Egmore, Nungambakkam Taluk currently Aminjikarai Taluk, Rajaram Mehta Nagar, Chennai – 600 029.

For Petitioner : Mr.R.Ravi

For Respondents : Mr.J.Ravindran,
Additional Advocate General
assisted by Mr.A.Selvendran,
Special Government Pleader

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA,J.,]

(1)Mr.A.Selvendran, learned Special Government Pleader accepts notice on behalf of the respondents.

(2)The above writ petition is filed by the petitioner seeking direction to the 1st respondent to dispose of the Appeal and Stay Application dated 10.03.2023 filed by the petitioner against the Notice issued under Section



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6 of the Tamil Nadu Land Encroachment Act, 1905 dated 08.10.2018 and till such time, the respondents 2 and 3 not to evict the petitioner from the land measuring 30 feet in breadth adjoining petitioner's Plot No.74 on the eastern boundary in T.S.No.62 of Vada Agaram Village, Egmore, Nungambakkam Taluk currently Aminjikarai Taluk, Rajaram Mehta Nagar, Chennai – 600 029.

(3) Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

(4) Alleging encroachment on the part of the petitioner in Plot NO.74 on the eastern boundary in T.S.No.62 of Vada Agaram Village, Egmore, Nungambakkam Taluk currently Aminjikarai Taluk, Rajaram Mehta Nagar, Chennai – 600 029, the 3rd respondent issued notice under Section 8 of the Tamil Nadu Land Encroachment Act on 08.10.2018 directing the petitioner to vacate the said property. Challenging the Section 8 notice, the petitioner filed WP.No.27494/2018 and this Court vide order dated 13.02.2023, directed the petitioner to avail the appeal remedy under Section 10 of the said Act. The petitioner thereafter filed an appeal under Section 10 of the Land Encroachment Act along with stay petition before the 1st respondent on 10.03.2023. Since no orders have been passed



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neither in the stay petition or in the appeal filed by the petitioner, the petitioner has come forward to file the present writ petition seeking disposal of the appeal dated 10.03.2023 by the 1st respondent.

(5) Considering the limited scope of prayer sought for by the petitioner in this writ petition and without going into the merits of the case, this Court directs the 1st respondent to dispose of the appeal dated 10.03.2023 within a period of six weeks from the date of receipt of a copy of this order. **It is made clear that till such time the appeal is disposed of, the 1st respondent shall maintain status quo as on date.**

(6) The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[ADJCJ] [CSNJ]

04.05.2023

Internet: Yes

Index : Yes/No

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