



W.P.No.25279 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.25279 of 2023

M.M.Gupta

.. Petitioner

Vs

1.The Government of Tamil Nadu,  
rep. by its Secretary to Government,  
Revenue Department,  
Fort St. George, Chennai-09.

2.The District Collector,  
Office of the District Collector,  
Chengalpet.

3.The Thasildhar,  
Pallavaram,  
Chennai-43.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records on the file of the third respondent relating to the impugned notices issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (1) dated 22.8.2023 bearing Ref. No. Nil granting 15 days time for eviction and (2) dated 22.8.2023 bearing Ref. No. Nil granting time till 25.8.2023 for eviction and quash the same and consequently, to issue directions forbearing the respondents 1-3 and their subordinates from interfering with the possession of the petitioner in respect of the premises comprised in S.No.166/2,



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Pallavaram Cantonment Village at No.1/18, Officers Lane, Pallavaram, Chennai-43.

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For the Petitioner : Mr.AR.L.Sundaresan  
Senior Counsel  
for Mr.T.Sai Krishnan  
For the Respondents : Mr.P.Muthukumar  
State Government Pleader

ORDER

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

We have heard Mr.AR.L.Sundaresan, learned Senior Counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. Learned Senior Counsel for the petitioner submits that two orders are passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in respect of the same property. The first order gives 15 days' time to the petitioner to vacate and the second order gives 3 days' time. The petitioner has filed appeal under Section 10 of the Act along with stay petition. The same is not being heard.



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3. The petitioner shall appear before the Collector, where the appeal is filed, on 29.8.2023. the Collector shall hear the petitioner and pass orders on the stay petition on its own merits. The stay petition shall be decided preferably within seven days from the date of appearance of the petitioner, ie., 29.8.2023. Till the stay petition is decided, further steps pursuant to the order under Section 6 of the Act shall not be undertaken.

4. The parties may take steps pursuant to the orders that may be passed by the Collector on the stay petition and/or the appeal of the petitioner.

The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.Nos.24689 and 24692 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

25.08.2023

Index : Yes/No  
Neutral Citation : Yes/No  
sasi



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To:

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- 1.The Secretary to Government,  
Government of Tamil Nadu,  
Revenue Department,  
Fort St. George, Chennai-09.
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- 3.The Thasildhar,  
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THE HON'BLE CHIEF JUSTICE  
AND  
P.D.AUDIKESAVALU,J.

(sasi)

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