



WEB COPY



WP No. 33743 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.33743 of 2023
and W.M.P.Nos.33585 to 33587 of 2023

M/s.Vedanta represented by
its Partner V.Rajkumari,
having office at No.11, Railway Station Road,
Alandur, Chennai – 600 016.

.. Petitioner

Vs.

1.The Tahsildar,
GST Road, Pallavaram, Chennai – 600 043.

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

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of first respondent with respect to the notice dated 25.11.2023 issued by first respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and consequently, quash the same as illegal, invalid, arbitrary and non-est in the eyes of law and consequently forbear the respondents from evicting the



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petitioner from the property admeasuring 6695 square feet situated at Door Nos.377 to 383, MKN Road, Alandur Taluk, Chennai – 600 016, comprised in Survey NO.1448, TS No.80, Ward 'H', Block 1.

For Petitioner	: Mr.Nithyaesh Natraj for Mr.Anirudh A Sriram
For Respondents	: Mr.Ramanlal Additional Government Pleader assisted by Mrs.R.Anitha Special Government Pleader

ORDER

(Order of the Court was made by R. Mahadevan, J.)

The petitioner has filed this writ petition for issuance of Writ of Certiorarified Mandamus, to call for the records with respect to the notice dated 25.11.2023 issued by the first respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, quash the same as illegal, invalid, arbitrary and non-est in the eyes of law, and consequently forbear the respondents from evicting the petitioner from the property admeasuring 6695 square feet situated at Door Nos.377 to 383, MKN Road, Alandur Taluk, Chennai – 600 016, comprised in Survey No.1448, TS No.80, Ward 'H', Block 1.



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2. Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner submitted that after the eviction notice dated 25.11.2023 passed by the first respondent, the petitioner has filed an appeal before the appellate authority viz. second respondent under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, along with an application for interim stay of the operation of the aforesaid notice and the same is pending consideration. Therefore, it would suffice, if a direction is issued to the second respondent to consider and pass orders on the said appeal and the stay application filed by the petitioner.

3. On the other hand, the learned Additional Advocate General appearing for the respondents fairly submitted that the second respondent will dispose of the appeal preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, on merits, within a time frame to be stipulated by this court.

4. In view of the limited nature of the relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, there shall be a direction to the second respondent to



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take up the main appeal itself for disposal on 20.12.2023, on which date, the petitioner shall appear either in person or through counsel with supportive documents, before the appellate authority. It is made clear that no further adjournment shall be entertained in this regard and the appellate authority shall consider the appeal and pass appropriate orders, purely on merits and in accordance with law. Till such time, there shall be an order of *status quo*.

5. With the above directions, this writ petition stands disposed of.

No costs. Connected W.M.Ps. are closed.

(R.M.D., J.) (M.S.Q., J.)
01.12.2023

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation : Yes / No
nsd

To

1.The Tahsildar,
GST Road, Pallavaram, Chennai – 600 043.

2.The District Collector,
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