



W.P.No.1883 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.1883 of 2024

P.Rajeswari

.. Petitioner

Vs.

1. The District Collector
Chengalpattu District
Chengalpattu.

2. The Tahsildar
Pallavaram Taluk Office
F6C, Kanni Koil Street
Aishwarya Nagar, Phase-II
Kurunji Nagar, Chrompet
Chennai – 600 044.

3. P.A.Mangalam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, forbearing the 2nd respondent from in anyway interfering with the petitioner's premises situated at No.9 G.S.T. Road, St. Thomas Mount, Chennai-16 relating to the petitioner's outlet namely M/s. The Grand Sweets and Snacks to an extent of 2114 sq.ft and thereabouts, particularly by way of dispossession pending final determination of the petitioner's statutory appeal dated 18.01.2024 with the 1st respondent U/s 10 and 10B of the Tamil Nadu Land Encroachment Act 3 of 1905.



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For the Petitioner : Mr.D.S.Rajasekaran
For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for R1 and R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.D.S.Rajasekaran, learned counsel for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 and 2.

2. Learned counsel for the petitioner submits that the petitioner has filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 [in short, "the Act of 1905"] against the order passed under Section 6 of the Act of 1905. The said appeal is filed on 18.01.2024, however, the same is not heard and the respondents are taking action to demolish the construction of the petitioner. Learned counsel for the petitioner further submits that the petitioner has already filed an application seeking stay under Section 10B of the Act of 1905.

3. The Appellate Authority shall decide the application for stay



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filed by the petitioner, preferably within a period of fifteen days from today. The petitioner shall cooperate for the expeditious disposal of the said application. Till the application for stay filed by the petitioner is decided by the first respondent, the respondents may not take any adverse action against the petitioner.

4. The parties would be governed by the orders passed by the Collector in the appeal or the application for stay filed by the petitioner.

5. The writ petition, accordingly, stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.1962 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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