



W.P.No.2407 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2407 of 2024

REMO EDUCATIONAL AND CHARITABLE TRUST
(A UNIT OF REMO GROUP OF INSTITUTIONS)
REP BY ITS MANAGING TRUSTEE, R.DEEPHA,
REG OFFICE AT NO.5/1, V.P.AKILAN STREET
M.G.R. NAGAR, CHENNAI – 600 018
AND ALSO AT NO.9, GST ROAD, ST.THOMAS ROAD
CHENNAI – 600 016.

.. Petitioner

Vs

- 1 THE DISTRICT COLLECTOR
CHENGALPATTU DISTRICT.
- 2 THE TAHSILDAR
PALLAVARAM TALUK
CHENGALPATTU DISTRICT.
- 3 THE REVENUE INSPECTOR
PALLAVARAM TALUK OFFICE
CHENGALPATTU DISTRICT.
- 4 THE CHIEF EXECUTIVE OFFICER (CEO)
CANTONMENT BOARD ST.THOMAS MOUNT
CHENNAI - 600016.



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5 N.A.SEETHALAKSHMI

.. Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the impugned notice dated 5.1.2024 issued by the 2nd respondent under section 6 of the Land Encroachment act 1905 and quash the same, consequently forbear the respondents from interfering the peaceful possession and enjoyment of the property of the petitioner Educational Institution in S.No. 1356 (part), Door No. 9, G.S.T. Road, St. Thomas Mount, Pallavaram Taluk, Chengelpattu District.

For the Petitioner : Mr.S.Ramajayam

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for respondents 1 to 3

ORDER

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

Heard Mr.S.Ramajayam, learned counsel for the petitioner; and Mr.C.Kathiravan, learned Special Government Pleader appearing on behalf of respondents 1 to 3.

2. Learned counsel for the petitioner submits that the petitioner has already filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 on 19.1.2024. The same is



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pending. However, during the pendency, again a fresh notice is issued for disconnection of the electricity supply. The petitioner is running a school. The land is owned by the Cantonment Board. The lessor of the petitioner has purchased the same in e-auction.

3. The petitioner has already filed an appeal before the District Collector. In the light of that, it will be appropriate if the petitioner seeks relief before the District Collector. Under Section 10-B of the Act of 1905, the petitioner has a remedy to file an application for stay.

4. In view of the above, we pass the following order:

- (i) The petitioner shall file an application for stay in the pending appeal by Monday, i.e., 5.2.2024.
- (ii) If the application is filed by 5.2.2024, then the District Collector shall take a decision with regard to the application of the petitioner for stay within a period of ten days from the date of filing of the application.



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(iii) Till a decision is taken by the Collector on the stay application, further coercive steps may not be taken pursuant to the impugned order.

(iv) The parties shall be governed by the order passed by the District Collector.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.Nos.2610 and 2608 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

02.02.2024

Index : No
Neutral Citation : No
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To

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

(sasi)

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