



W.P.No.4457 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4457 of 2024

S.Joseph

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Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Revenue Department
Fort St. George, Chennai – 600 009.
2. The District Collector
Office of the Collector
Kancheepuram.
3. The Tahsildar
Kundrathur Taluk, Kundrathur
Kancheepuram District.
4. The Revenue Inspector
Padappai Sub-Division
Kundrathur Taluk
Kundrathur.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the second respondent to dispose the appeal dated 04.09.2023 filed by the petitioner under Section 10(a) of the Tamil Nadu Land Encroachment Act, 1905 within a stipulated time.



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For the Petitioner : Mr.A.T.Jayaraman
For the Respondents : Mr.A.Edwin Prabhakar
State Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.A.T.Jayaraman, learned counsel for the petitioner and Mr.A.Edwin Prabhakar, learned State Government Pleader for respondents.

2. Learned counsel for the petitioner submits that an appeal under Section 10(a) of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as, "the Act of 1905"] is filed against the order passed under Section 6 of the Act of 1905. The same is not decided.

3. Learned State Government Pleader submits that the encroachment has been removed. The permission granted to the school has been withdrawn. The school was being run in a Government land. The students admitted in the school are already accommodated in another school and now, there is no structure in existence in the said land.



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4. Be that as it may, as the appeal filed by the petitioner is pending before the District Collector, the District Collector may consider the appeal, in accordance with law, preferably within a period of four months.

5. In light of the above, the writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

22.02.2024

Index : Yes/No
Neutral Citation : Yes/No

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

(drm)

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