



W.P.No.25250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.25250 of 2024

D.Sukhi Bai

..

Petitioner

Vs.

1. The District Collector
Tiruvannamalai-Kanchipuram Road
Thaiyar Kullam, Kanchipuram
Tamil Nadu 631 501.

2. The Revenue Inspector
Kolapakkam Circle, Kundrathur
Kanchipuram District.

3. The Tahsildar
Mehta Nagar Main Road
Kundrathur, Chennai
Tamil Nadu 600 069.

..

Respondents

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 3rd respondent with respect to the notice dated 16.08.2024 issued by the 3rd respondent under Section 6 of the Tamil



W.P.No.25250 of 2024

WEB COPY

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 petitioner from the property admeasuring.

For the Petitioner : Mr.Nitheyesh Natraj
For Mr.Anirudh A.Sriram

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader

ORDER
(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The petitioner challenges the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

2. According to the petitioner, notice was served on the petitioner in respect of the property in S.No.44/9. But, the petitioner is in possession of the land in S.No.18/10 and therefore, the petitioner has nothing to do with the property in question and also with the action initiated by the authorities concerned under the Act of 1905.



W.P.No.25250 of 2024

WEB COPY

3. Learned State Government Pleader submits that the petitioner has filed an appeal before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and the same is pending. In the meantime, the petitioner has approached this Court seeking interim protection and the same was granted at the time of admission. According to learned State Government Pleader, S.No.44/9 is equivalent to S.No.18/10.

4. All these disputed questions of fact have to be decided by the appellate authority.

5. In view of the above, we are inclined to pass the following order:

(i) The first respondent is directed to dispose of the appeal filed by the petitioner within a period of eight weeks from the date of receipt of a copy of this order; and

(ii) Till such time, the respondents shall not take any coercive steps against the petitioner.



W.P.No.25250 of 2024

WEB COPY

6. The writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.27582 and 27583 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B., J.)
11.09.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
Tiruvannamalai-Kanchipuram Road
Thaiyar Kullam, Kanchipuram
Tamil Nadu 631 501.
2. The Revenue Inspector
Kolapakkam Circle, Kundrathur
Kanchipuram District.
3. The Tahsildar
Mehta Nagar Main Road
Kundrathur, Chennai
Tamil Nadu 600 069.



WEB COPY



W.P.No.25250 of 2024

D.KRISHNAKUMAR, ACJ,
AND
P.B.BALAJI,J.

(kpl)

W.P.No.25250 of 2024

11.09.2024