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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) Nos.16758 to 16760 of 2016

and

W.M.P (MD) Nos.12179 to 12181 of 2016

Arumugam	... Petitioner in W.P(MD)No.16758 of 2016
Murugesan	... Petitioner in W.P(MD)No.16759 of 2016
Krishnasamy	... Petitioner in W.P(MD)No.16760 of 2016

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sattur, Virudhunagar District.

3.The Revenue Inspector,
Sattur Taluk, Virudhunagar District.

4.The President,
O.Mettupatti Village Panchayat,
Sattur Taluk, Virudhunagar District.

5.The Village Administrative Officer,
Sattur, Virudhunagar District.

... Respondents

Prayer in W.P(MD)No.16758 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents in anyway evicting the petitioner from the property bearing Door No.3/285 Pillaiyar Kovil Street in Survey No. 109/2 O. Mettupatti Village sattur Taluk Virudhunagar District pending the statutory appeal preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act on the file of the 1st respondent.

Prayer in W.P(MD)No.16759 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents in anyway evicting the petitioner from the property bearing Door No. 1/322 (1) Kalliamman Kovil North Street in Survey No. 109/2 O.Mettupatti Village sattur Taluk Virudhunagar District pending the statutory appeal preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act on the file of the 1st respondent.



Prayer in W.P(MD)No.16760 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents in anyway evicting the petitioner from the property bearing Door No.1/321 Kaliamma Kovil North Street in Survey No.109/2 O.Mettupatti Village Sattur Taluk Virudhunagar District pending the statutory appeal preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act on the file of the 1st respondent.

For Petitioners : Mr.M.P.Senthil

For Respondents 1-3 : Mr.M.Alagathevan,
Special Government Pleader.

COMMON ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

The necessity to record the facts in great detail is obviated in view of the order proposed to be passed by us now in these writ petitions.

2.The competent authority namely, the Tahsildar, Sattur, Virudhunagar District passed orders under Section 6 of the Land Encroachment Act, 1905. Any order passed by the competent authority under Section 6 is appealable under Section 10 of the said Act and hence, the petitioners have preferred an appeal on 28.03.2015 to the District Collector, Virudhunagar. But however, it is alleged that the District Collector has not taken up the said appeals for consideration nor did he pass any interlocutory order of stay of operation of the orders passed by the Tahsildar, Sattur, Virudhunagar District. Hence, the present writ petitions are instituted.

3.Since the issue involved in these writ petitions is one and the same, they are taken up together and disposed of by this common order.

4.Let the District Collector, Virudhunagar spare appropriate attention to the appeals preferred by the petitioners on 28.03.2015 and let them be disposed of as expeditiously as possible preferably, within a period of three months from now after putting the petitioners on notice and also if necessary by calling for the remarks from the Tahsildar concerned and after perusing all such material that might be placed before him and let a reasoned order be passed by the Collector and till such time, the threatened eviction of the petitioners pursuant to the order passed by the Tahsildar under Section 6 be not given effect to.



5.The writ petitions are disposed of accordingly. No costs. Consequently, W.M.P(MD)Nos.12179 to 12181 of 2016 are closed.

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/True copy/

Sd/-

Assistant Registrar(T&P)

Sub Assistant Registrar

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Sattur, Virudhunagar District.
- 3.The Revenue Inspector,
Sattur Taluk, Virudhunagar District.
- 4.The President,
O.Mettupatti Village Panchayat,
Sattur Taluk, Virudhunagar District.
- 5.The Village Administrative Officer,
Sattur, Virudhunagar District.

+1cc to special Government Pleader SR.No.50149

+3cc to Mr.M.P.Senthil, Advocate Sr.No.49591, 49592 & 49593

sms

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Writ Petition (MD) Nos.16758 to 16760 of 2016
and
W.M.P(MD)Nos.12179 to 12181 of 2016
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