



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.13955 of 2017

and

W.M.P. (MD) .No.10911 of 2017

P.Ganesan

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Zonal Deputy Tahsildar,
Karaikudi, Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the second respondent from demolishing the hut constructed by the petitioner in S.No.247/1 of Kalanivasal Village, Karaikudi, till the disposal of the petitioner's stay application filed along with the appeal dated 23.07.2017, on the file of the first respondent.

For petitioner

: Mr.M.Saravanan

For respondents

: Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed an appeal against the order dated 14.07.2017 issued by the second respondent, directing him to remove the encroachment in respect of the land in S.No.247/1 of Kalanivasal Village, Karaikudi.

2. It is the grievance of the petitioner that notwithstanding the pendency of the appeal along with Stay Petition, an attempt was made by the second respondent to remove the encroachment. The petitioner is, therefore, before this Court with this Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/> is no dispute that the statutory appeal filed by the petitioner is now pending before the District Collector,



Sivagangai. The District Collector was expected to consider the appeal on merits and dispose of the same as expeditiously as possible. The action taken by the second respondent to demolish the superstructure stated to have been put up by the petitioner even before the disposal of the statutory appeal or at least the Stay Petition made the petitioner to file this Writ Petition.

4. We direct the District Collector, Sivagangai, to consider and dispose of the appeal filed by the petitioner dated 23.07.2017, challenging the order dated 14.07.2017, on merits and as per law. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. The question of execution of the order dated 14.07.2017 would arise only after the disposal of the statutory appeal by the District Collector.

5. The Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To:

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Zonal Deputy Tahsildar,
Karaikudi, Sivagangai District.

+One cc to The Special Government Pleader, SR.No.68967
+One cc to Mr.R.Subramanian, Advocate, SR.No.68454

NB
RL/5C/2P/KK/SAR1/7/8/2017

ORDER MADE IN
W.P. (MD) No.13955 of 2017