



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos.18146 to 18150 of 2017
and
W.M.P. (MD) .Nos.14611 to 14615 of 2017

K.Subramanian	..Petitioner in W.P. (MD) .No.18146 of 2017
M.Jayaraman	..Petitioner in W.P. (MD) .No.18147 of 2017
G.Sambandam	..Petitioner in W.P. (MD) .No.18148 of 2017
B.Prema	..Petitioner in W.P. (MD) .No.18149 of 2017
G.Saminathan	..Petitioner in W.P. (MD) .No.18150 of 2017

Vs.

1.The District Collector,
Thanjavur District,

2.The Tahsildar,
Thanjavur Taluk
Thanjavur District.

.. Respondents in all Writ Petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India to issue Writs of Mandamus, directing the first respondent to take the statutory appeals filed on 11.09.2017, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 on file and dispose of the same in accordance with law and also by taking into consideration the modalities for imposing penal assessment contemplated under Section 3 of the Tamil Nadu Land Encroachment Act, 1905.

For petitioners	: Mr.V.Chandrasekar
For respondents	: Mr.M.Govindan Special Government Pleader

COMMON ORDER

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

The second respondent passed an order under the provisions of the Tamil Nadu Land Encroachment Act, 1905, calling upon the petitioners to remove the encroachment. The said order was served on the petitioners before the first respondent. The appeals filed on 11.09.2017 were received through post by the District Collector on 12.09.2017.



2. The petitioners have come up with these Writ Petitions with a grievance that there is an attempt to execute the order passed by the second respondent pending disposal of the appeals.

3. We have heard the learned counsel appearing for the petitioners. We have also heard the learned Special Government Pleader appearing for the respondents.

4. We direct the District Collector, Thanjavur, to consider and dispose of the appeals dated 11.09.2017 preferred by the petitioners as expeditiously as possible. In case the District Collector is of the view that disposal of the appeals would take considerable time, it is open to him to pass orders in the Stay Petitions. However, we make it clear that till an order is passed either in the Stay Petitions or in the appeals, the present status-quo shall be maintained by the second respondent.

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.

To:

1.The District Collector, Thanjavur District,

2.The Tahsildar, Thanjavur Taluk, Thanjavur District.

+5CC to Mr.V.Chandrasekar, Advocate, SR.No. 80490 to 80494

+1CC to the Special Government Pleader SR.No. 81116

COMMON ORDER MADE IN
W.P. (MD) Nos.18146 to 18150 of 2017
and
W.M.P. (MD) .Nos.14611 to 14615 of 2017
22.09.2017

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AM/SV MMS/SAR 1/11.10.2017/2P/9C