



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD)No.20794 of 2017

Saraswathi

: Petitioner

.vs.

1. The District Collector,
Sivagangai District.

2.Packiam

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the 1st Respondent to dispose of the appeal filed by the 2nd Respondent under the Tamil Nadu Land Encroachment Act, 1905 by following the principles of natural justice within the time stipulated by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For R-1 : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

The Petitioner has preferred the instant Writ Petition praying for passing of an order by this Court in directing the 1st Respondent to dispose of the Appeal filed by the 2nd Respondent under the Tamil Nadu Land Encroachment Act, 1905, by following the principles of natural justice, within a stipulated time.

2.Heard the Learned Counsel for the Petitioner and the Learned Special Government Pleader for the First Respondent.

3. In respect of R-2, this Court is not ordering notice, to avoid an avoidable delay in the interest of justice.

<https://hcservices.ecourts.gov.in/hcservices/>

4. It is represented on behalf of the First



Respondent/District Collector, Sivagangai District that the Second Respondent/R.Packiam on earlier occasion had filed W.P(MD)No.21126 of 2015 before this Court, against the District Collector, Sivagangai District and three others and on 01.09.2017, the said Writ Petition was dismissed as withdrawn, granting liberty to the Petitioner by way of time till 30.09.2017 for filing an Appeal along with Application for stay etc. But, the said R.Packiam has not preferred any appeal together with Application for stay, as per the submissions of the Learned Special Government Pleader for the First Respondent/District Collector, Sivagangai District and the same is recorded by this Court.

5. Inasmuch as the proceedings under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 19.11.2015, has become final and conclusive between the parties, it is open to the First Respondent to take necessary action against the Second Respondent in the manner known to Law and in accordance with Law, within a period of eight weeks from the date of receipt of a copy of this order.

6. In view of the fact that the Second Respondent/R.Packiam in the present Writ Petition has not preferred any Appeal before the competent Authority together with necessary Stay Application, this Court disposes of the present Writ Petition as nothing survives for any adjudication. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Sivagangai District.

+ 1 cc TO The Special Government Pleader in SR No. 86912

pm

AE/MR KKR/SAR4/28.11.2017/2P/3C

**ORDER MADE IN
W.P. (MD)No.20794 of 2017
10.11.2017**