



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.6648 of 2017
and
W.M.P (MD) No.5224 of 2017

Anthony Jeyaraj

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the order of the second respondent dated 20.03.2017 made in Na.Ka.No.B8/12329/16 passed in pursuance of the notices dated 20.02.2017 issued under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in relation to the properties bearing Survey Nos.1261/3/3 and 1261/7/5 situated at North Valliyoor Village, Part-1, Radhapuram Taluk, Tirunelveli District to be kept in abeyance till the disposal of the statutory appeal dated 05.04.2017 filed before the first respondent by the petitioner.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.K.Guru,
Additional Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the second respondent not to take any action on the basis of the notice dated 20.02.2017 issued under the Tamil Nadu Land Encroachment Act, 1905, till the disposal of the statutory appeal, dated 05.04.2017, by way of issuing a Writ of Mandamus.



2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the respondents.

3.It is seen from the revenue records that on 20.02.2017 a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, has been given to the petitioner and subsequently the petitioner has submitted an explanation and the same has also been considered. Further it is seen from the records that the petitioner has filed a statutory appeal on 05.04.2017 before the first respondent.

4.The learned Additional Government Pleader appearing for the respondents has contended that the first respondent can be directed to dispose of the appeal alleged to have been filed by the petitioner. Till then status quo to be maintained.

5.Considering the aforesaid factual aspects and also considering the fact that the petitioner has preferred an appeal before the first respondent, this Writ Petition is liable to be disposed of in the following manner.

6.In fine, the first respondent is strictly directed to dispose of the appeal alleged to have been filed by the petitioner within a period of two weeks without fail. Till then, as undertaken by the learned Additional Government Pleader appearing for the respondents, status quo to be maintained. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram,
Tirunelveli District.

+1CC to M/S.S.Palani Velayutham, Advocate, SR.No. 57680
+1CC to the Special Government Pleader SR.No. 51783

ORDER MADE IN
W.P(MD)No.6648 of 2017
12.04.2017