



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.4822 of 2018
and
W.M.P.(MD)No.4833 of 2018

S.Murugesan

... Petitioner

Vs.

1.The Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.

2.The Executive Officer,
Alangudi Town Panchayat,
Pudukkottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the second respondent from evicting the petitioner in S.F.No.980 at Alangudi Taluk, Pudukkottai District pending disposal of appeal under Section 36 of Tamil Nadu District Municipalities Act on the file of the first respondent against the orders dated 18.01.2018 and 19.02.2018 of the second respondent.

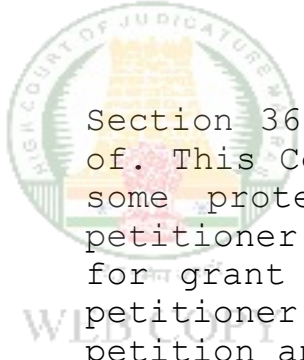
For Petitioner	:	Mr.M.Suresh
For Respondents	:	Mr.D.Muruganantham Additional Government Pleader

ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Suresh, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2.The petitioner, who is an encroacher of the public land, is before this Court praying for an interim relief till the appeal petition which is pending before the first respondent under



Section 36 of the Tamil Nadu District Municipality Act is disposed of. This Court cannot be approached as an interim measure to grant some protection, till the appeal is disposed of, however the petitioner should move to the first respondent/appellate authority for grant of an order of an interim stay. It is seen that the petitioner has filed the appeal petition along with the stay petition and it has been sent by registered post on 04.03.2018.

3. When the matter came up for hearing today during on the forenoon, we passed over the matter and directed the learned Additional Government Pleader to get instructions as to whether any appeal has been filed by the petitioner. On instructions from the second respondent, the learned Additional Government Pleader appearing for the respondent, stated that the appeal has been filed by the petitioner.

4. Considering these facts, we direct the first respondent to dispose of the stay petition filed by the petitioner in the appeal petition, viz, to stay the order passed by the second respondent dated 19.02.2018, within a period of three weeks from the date of receipt of copy of this order. Till then, no coercive action shall be initiated against the petitioner pursuant to the order passed by the second respondent dated 18.01.2018.

5. With the above direction, the writ petition stands disposed of. No Costs. Consequently, W.M.P.(MD)No.4833 of 2018 is also closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai.

2. The Executive Officer,
Alangudi Town Panchayat,
Pudukkottai District.

+1CC TO M/S.M.SURESH, ADVOCATE, SR NO.53728

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