



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.7455 of 2018

and

W.M.P (MD) No.7117 of 2018

Kattuva Ravuthar

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of impugned notice, dated 20.03.2018 issued under Section 6 of The Tamil Nadu Land Encroachment Act, 1905 by respondent No.2 and quash the same as illegal and to direct the respondents not to demolish the petitioner bathroom, toilet and water sump annexed to the house bearing Door No.3/269, South Street, Kallampatti Post, Melur Taluk, Madurai, till the final disposal of the appeal, dated 16.03.2018 under Section 10 of the Land Encroachment Act.

For Petitioner	: Mr.A.Haja Mohideen
For Respondents	: Mr.M.Jeyakumar, Additional Government Pleader.

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned notice, dated 20.03.2018 issued under Section 6 of The Tamil Nadu Land Encroachment Act, 1905, passed by the second respondent and to quash the same and to direct the respondents not to demolish the petitioner's bathroom, toilet and water sump annexed to the house bearing Door No.3/269, South Street, Kallampatti Post, Melur Taluk, Madurai, till the final disposal of the appeal, dated 16.03.2018 under Section 10 of the Land Encroachment Act.

2.It is brought to the notice of this Court that the petitioner has challenged the order passed by the second respondent by way of an appeal under Section 10 of the Land



Encroachment Act on 16.03.2018 before the first respondent. Further, the learned counsel appearing for the petitioner submitted that the first respondent has not passed any order in the appeal so far. That apart, the learned counsel also submitted that even during the pendency of the appeal, the second respondent is proceeding to evict the petitioner from the property mentioned above.

3.Mr.M.Jeyakumar, learned Additional Government Pleader, taking notice for the respondents, submitted that the first respondent may be directed to dispose of the appeal within a time frame.

4.In view of the submissions made by the learned counsel appearing on either side, without expressing any opinion with regard to the merits of the case, we direct the first respondent to dispose of the appeal filed by the petitioner on 16.03.2018 under Section 10 of the Land Encroachment Act, on merits and in accordance with law, after giving due opportunity of personal hearing to the interested parties within a period of four weeks from the date of receipt of a copy of this order. Till the disposal of the appeal, the respondents are directed to maintain status quo.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Melur Taluk,
Madurai District.

+1cc to Mr.A.Haja Mohideen, Advocate Sr.No.60216
+1cc to Spl.Government Pleader Sr.No.60159

PS

VB/SKN/RSK/SAR4/19/04/2018/2P/5C