



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.01.2018

CORAM:

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN
AND

THE HONOURABLE Mrs.S.RAMATHILAGAM
W.P.(MD).No.18378 of 2017

and

W.M.P.(MD).No.14816 of 2018

M/s.Karandhai Tamil Sangam
Rep by its Secretary
No.1922, Seshaiya Sasthriyar Road,
Karuthattangudi, Thanjavur.

... Petitioner

Vs.

1.The Tahsildar,
Thanjavur,
Thanjavur District.

2.The District Collector,
Thanjavur District.

... Respondents

(R2 has been impleaded vide
order dated 05.12.2017 made
in W.M.P.(MD).No.18013/17)

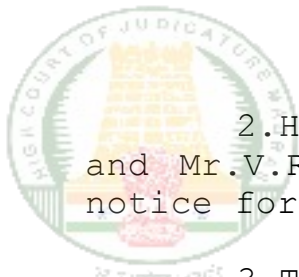
PRAYER:This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent herein, his subordinates or any other official from interfering with the petitioner's possession of the property in the form of Uma Maheswaranar Higher Secondary School in an extent of 0.2302.5 sq.ft., and in respect of Uma Maheswaranar Higher Secondary School and karanthai Tamizh Sangam Boys Hostel of the petitioner trust in S.No.2054 situated in Karunthattangudi, Thanjavur, pursuant to impugned proceedings of the respondent in Na.Ka.No.11702/2002/AA5 dated 05.09.2017 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, till the disposal of the statutory appeal dated 22.09.2017 pending before the District Collector, Thanjavur.

For Petitioner : Mr.P.Vadivel

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

<https://hcservices.ecourts.gov.in/hcservices> By order, the writ petition itself is taken up for final disposal.



2. Heard Mr.P.Vadivel, counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, Special Government Pleader, who takes notice for the respondents.

3. The case of the petitioner is that the petitioner's School has been in possession of the property comprising Survey No.2054 in Karunthattangudi, Thanjavur for the past 70 years, where a School building has been constructed and School is being run in the said property. With things stand so, earlier, eviction notice was issued, against which, an appeal has been filed in the year 2013 and the same is pending till now for disposal before the Appellate Authority. The said Appellate Authority already remitted the matter to the Tahsildar and thereafter only, the present proceedings for eviction notice dated 21.07.2017 under Section 6 of the Tamil Nadu Land Encroachment Act, has been issued and the petitioner has also given reply on 31.08.2017. Subsequently, an order of eviction was passed on 05.09.2017. Against which, an appeal has been filed before the District Collector under Section 10 of the Tamil Nadu Land Encroachment Act 1905 and the same is also pending. When the appeal is pending, the respondents are taking steps to evict the petitioner and therefore, the petitioner is before this Court for the aforesaid relief.

4. Taking into consideration that the appeal preferred by the petitioner before the District Collector is pending, this Court directs the District Collector, Thanjavur to dispose of the said appeal, after giving an opportunity to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order. Till the disposal of the appeal and the copy of the order serves upon the petitioner, the respondents shall not interfere with the petitioner's possession and enjoyment of the property. By disposing of the writ petition, this Court also dispose the stay petition filed under Section 10(B) of the Tamil Nadu Land Encroachment Act, seeking interim relief.

5. The Writ Petition is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

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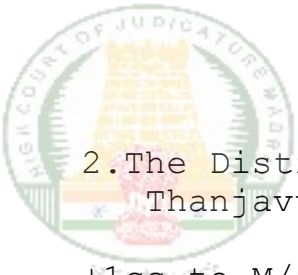
Sub Assistant Registrar

To

1. The Tahsildar,

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

Thanjavur District.



2.The District Collector,
Thanjavur District.

+1cc to M/S.P.Vadivel, Advocate SR.No. 40483

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ns

JM/KKR/SAR 1/19.01.2018/3P/4C