



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18680 of 2019

and

W.M.P. (MD)No.15063 of 2019

G.Mani

... Petitioner

- Vs. -

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildhar,
Nilakottai Taluk, Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus forbearing the second respondent or his officials from evicting the petitioner from his house situated in Survey No.154/1 in Mattaparai Village of Nilakottai Taluk, Dindigul District, based on his proceedings under Section 6 of the Tamilnadu Land Encroachment Act, 1905, pending disposal of the petitioner's unnumbered appeal dated 09.08.2019 on the file of the first respondent.

For Petitioner

: Mr.G.Prabhu Rajadurai

For Respondents

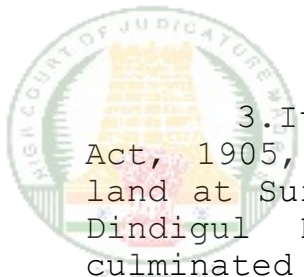
: Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by
K.RAVICHANDRABAABU, J.]

This writ petition is filed for Mandamus forbearing the second respondent or his officials from evicting the petitioner from his house situated in Survey No.154/1 in Mattaparai Village of Nilakottai Taluk, Dindigul District, based on his proceedings under Section 6 of the Tamilnadu Land Encroachment Act, 1905, pending disposal of the petitioner's unnumbered appeal dated 09.08.2019 on the file of the first respondent.

2.Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the respondents and by consent the main writ petition itself is taken up for final disposal.



3.It is stated that the proceedings under Land Encroachment Act, 1905, was initiated against the petitioner in respect of the land at Survey No.154/1, in Mattaparai Village of Nilakottai Taluk, Dindigul District, referred to in the writ petition, which culminated into passing an order under Section 6 of the said Act by the second respondent Tahsildar, dated 31.07.2019. It is stated that feeling aggrieved against the said order, the writ petitioner filed an appeal before the first respondent on 09.08.2019 along with stay petition. It is stated that the appeal as well as the stay petition are still pending consideration before the first respondent. The apprehension of the petitioner is that even before his appeal or the stay petition is taken up and decided by the first respondent, the second respondent or his officials will try to interfere with his possession and enjoyment of the subject matter property. Therefore, the present writ petition is filed for the relief as stated supra.

4.Admittedly, the proceedings under Land Encroachment Act was initiated against the petitioner and an order under Section 6 of the said Act has also been passed. It is further seen that the said order is put to challenge before the first respondent by way of an appeal. Since it is stated that the appellate authority viz., the first respondent has not disposed the stay petition or the appeal so far, we are of the view that without expressing any view on the merits of the claim made by the petitioner, it is better to direct the first respondent to decide the appeal or the stay petition at an early date and dispose of the same on merits and in accordance with law.

5.Accordingly, the writ petition is disposed of by directing the first respondent to take up the appeal or the stay petition filed along with the appeal and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till an order is passed by the first respondent, *status-quo* as on today shall be maintained by the revenue officials. While disposing the matter, the first respondent shall also give an opportunity of hearing to the writ petitioner.

No costs. Consequently, connected Miscellaneous Petition is closed.

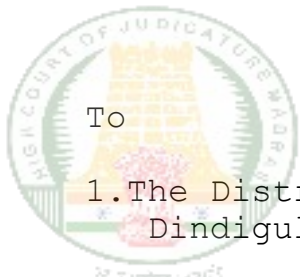
Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rj2



To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildhar,
Nilakottai Taluk, Dindigul District.

+1 CC to SPL GP SR-84606 dated 30/08/2019.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate SR-84550.

W.P. (MD) No.18680 of 2019

29.08.2019

CS (24.10.2019) 3P 5C