



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.20753 of 2019

and

W.M.P. (MD) .No.17377 of 2019

Arumugam

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Regional Deputy Tahsildar,
Thirupathur Taluk,
Sivagangai District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pass orders on the statutory appeal preferred by the petitioner along with the stay application dated 09.09.2019 against the order of eviction made by the 2nd respondent in Na.Ka.A7/908/2019 dated 30.08.2019, within the time that may be stipulated by this Court and consequently, forbear the respondent from taking any coercive action till such time in light of the decision of the this Court in A Natarajan Vs. Commissioner of Land Administration, 1996 (2)LW 553.

For Petitioner

: Mr.M.Mahaboob Athiff

For Respondents

: Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

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

Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.



2. The petitioner has filed this writ petition seeking for a direction upon the first respondent to pass orders on the statutory appeal preferred by the petitioner along with stay application, dated 09.09.2019 against the order of eviction made by the second respondent in Na.Ka.A7/908/2019 dated 30.08.2019, within the time stipulated by this Court and consequently, to forbear the respondent from taking any coercive action till such time in the light of the decision of the this Court in A Natarajan Vs. Commissioner of Land Administration, 1996(2)LW 553.

3.It appears that as against the order of eviction, appeal petition has been filed along with stay petition and the same is pending. It is true that the appeal petition was filed only on 09.09.2019. However, since it appears to be a stay application, it will be in the fitness of things that the first respondent shall dispose of the appeal at the earliest or if the first respondent is unable to do so for certain administrative reasons, then the stay petition can be considered. Accordingly, we direct the first respondent to do either one of the above, within a period of two weeks from the date of receipt of a copy of this order.

4.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Regional Deputy Tahsildar,
Thirupathur Taluk,
Sivagangai District.

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