

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos. 11332 & 11751 of 2020
& W.M.P.Nos. 13816 & 14444 of 2020

R.Sumathi

.. Petitioner in
WP 11332/2020

S.Renuga

.. Petitioner in
WP 11751/2020

.vs.

1. The District Collector,
Erode District, Erode.
2. The Tahsildar,
Sathyamangalam Taluk,
Erode District.
3. The Block Development Officer,
Sathyamangalam Panchayat Union,
Sathyamangalam Taluk, Erode District.
4. The President - Cum- Executive Officer,
Indiyampalayam Village Panchayat
Indiyampalayam, Sathyamangalam Taluk,
Erode District.
5. The President- Cum- Executive Officer,
Makkinamkombai Village Panchayat
Sathyamangalam Taluk, Erode District.

.. Respondents
in both WPs

Petitions filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents 2 to 5 from demolishing the petitioners residential house patta land bearing S.Nos. 171/9 , 171/20 and Natham No.38 (old No.6) situated at Indiyampalayam Village, E.Mettuputhur, Erode District pending the statutory appeals before the first respondent.

For Petitioner .. Mr.MA.P.Thangavel
(in both WPs)

For Respondents .. Mr.V.Jayaprakash Narayanan
Government Pleader

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioners in both the cases were issued with the orders of eviction under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Challenging the same, the petitioners filed appeals before the District Collector, Erode/ first respondent on 31.07.2020. According to the petitioners, pending appeals, there is a threat of dispossession and in one case, some demolition has already taken place.

2. Learned counsel appearing for the petitioners submitted that in view of the pendency of the statutory appeals, there shall not be any further action at the hands of the respondents pursuant to the impugned orders passed. Learned counsel also undertakes to withdraw the suits filed in O.S.Nos. 54 and 55 of 2020 on the file of the District Munsif Court, Sathiyamangalam.

3. Learned Government Pleader appearing for the respondents submitted that the statutory appeals are pending and the petitioners can very well seek appropriate orders thereunder.

4. Admittedly, the statutory appeals filed by the petitioners are pending consideration. In such view of the matter, we are inclined to direct the respondents to maintain status quo as on today till the disposal of the appeals.

5. Thus, while directing the respondents to maintain status quo on the proposed demolition, with the further condition that the petitioners also shall not put up any further construction, the first respondent is directed to dispose of the pending statutory appeals dated 31.07.2020 within a period of eight weeks from the date of receipt of a copy of this order. The statement made by the learned counsel appearing for the petitioners that the pending suits will be withdrawn stands recorded.

6. In view of the above, the writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Erode District, Erode.
2. The Tahsildar,
Sathyamangalam Taluk,
Erode District.
3. The Block Development Officer,
Sathyamangalam Panchayat Union,
Sathyamangalam Taluk, Erode District.
4. The President - Cum- Executive Officer,
Indiyampalayam Village Panchayat
Indiyampalayam, Sathyamangalam Taluk,
Erode District.
5. The District Munsif, Sathyamangalam.
6. The President- Cum- Executive Officer,
Makkinamkombai Village Panchayat
Sathyamangalam Taluk, Erode District.

+1cc to the Government Pleader Sr.No.28318

W.P.Nos. 11332 & 11751 of 2020

pvs (co)
rr ii (14/09/2020)