

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.17832 of 2020
and W.M.P.Nos.22115 & 22116 of 2020

Rajendran

..Petitioner

Versus

- 1.The District Collector,
Nagapattinam District,
Nagapattinam.
- 2.The Revenue Divisional Officer,
Nagapattinam District,
Nagapattinam.
- 3.The Tahsildar,
Vedaranyam,
Nagapattinam District.
- 4.The Block Development District,
Thalanayar, Nagapattinam District.
- 5.The Village Administrative Officer,
Vellapallam, Vedaranyam Taluk,
Nagapattinam District.
- 6.The Inspector of Police,
VettaikaranIruppu Police Station,
Nagapattinam District.

...Respondents

Prayer:- Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus calling for the records of the impugned notice dated 10.11.2020 issued by the 3rd respondent under section 6 of Chennai Act III of 1905 and quash the same and consequently forbear the respondents 1 to 4 from disturbing the peaceful possession and enjoyment of the property by the Arulmigu Kanchiyappa Ayyanar Temple in S.No. 52/2 situated at Vellapallam Vanavanmahadevi Village Vedaranyam Taluk Nagapattinam District.

For Petitioner : Mr.K.Balu
For Respondents : Mr.M.Elumalai
Additional Government Pleader for R1 to R6

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner challenges the impugned notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 10.11.2020 issued by the 3rd respondent.

2. Mr.K.Balu, learned counsel appearing for the petitioner, after some arguments, seeks permission of this Court to withdraw this Writ Petition, with a liberty to avail the remedy of statutory appeal before the 1st respondent, along with petition for Stay, and would further pray that till the disposal of the appeal, the 3rd respondent may defer further proceedings in terms of the impugned notice. The learned counsel appearing for the petitioner also undertakes to send an endorsement, as to the withdrawal of the Writ Petition through e-mail to the Registry of this Court.

3. Heard the submission of Mr.M.Elumalai, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 6.

4. In the light of the same, the Writ Petition is dismissed as withdrawn and the petitioner is granted liberty to avail the appeal remedy under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, along with petition for Stay under Section 10-B of the said Act, within a period of two weeks from the date of receipt of a copy of this order / uploading of the order in the website, before the 1st respondent, who on receipt of the same, may entertain the appeal along with the petition for stay, if the papers are otherwise in order and shall take up the petition for Stay at the first instance and give a disposal of the same, in accordance with law, within a further period of two weeks thereafter and till such time, the 3rd respondent shall defer further decision in terms of the impugned Section 6 notice. It is also open to the 1st respondent / appellate authority / delegated authority to accord priority and give a

disposal to the main appeal itself. No costs. Consequently connected miscellaneous petition are closed.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

sk

To

- 1.The District Collector,
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Nagapattinam District.

+1cc to M/s.K.Balu, Advocate, S.R.No.40587

W.P.No.17832 of 2020

KV(CO)
KKV/30/12/2020

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