



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P (MD) No.1900 of 2020

WEB COPY

Sakthikani

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Thoothukudi District.

2.The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents herein not to take any action on the basis of the impugned proceedings issued by the second respondent in Aa1/2522/2019 dated 24.12.2019 pending disposal of the above appeal submitted by the petitioner on 27.01.2020.

For Petitioner : Mr.S.Mandhiralingeswaran
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

[Order of the Court was made by **M.DURAI SWAMY, J.**]

The petitioner has filed the above writ petition to issue a writ of Mandamus directing the respondents not to take any action on the basis of the impugned proceedings of the second respondent in Aa1/2522/2019 dated 24.12.2019 pending disposal of the appeal submitted by the petitioner before the first respondent on 27.01.2020.

2. Challenging the notice issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, the petitioner preferred an appeal under Section 10 of the said Act before the first respondent on 27.01.2020.

3. The learned Counsel for the petitioner submitted that the petitioner has also filed an application seeking for interim stay under Section 10(b) of the said Act on the same day. Further, the learned Counsel for the petitioner submitted that it would be suffice to direct the first respondent to consider the petitioner's appeal and the application for stay within a time



4. Mr.VR.Shanmuganathan, learned Special Government Pleader taking notice for the respondents, submitted that the first respondent may be directed to dispose of the application for stay within a period of two weeks and the appeal within a period of eight weeks thereafter.

WEB COPY

5. Having regard to the submissions made by the learned Counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the claim of the petitioner, we direct the first respondent to consider the application for stay filed by the petitioner under Section 10(b) of the Tamil Nadu Land Encroachment Act, 1905, within a period of two weeks from the date of receipt of a copy of this order and further, the first respondent is directed to dispose of the appeal filed by the petitioner on 27.01.2020 on merits and in accordance with law within a period of eight weeks thereafter.

6. With these observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb

To

1.The District Collector,
Office of the District Collector,
Thoothukudi District.

2.The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

+1 CC to MR.S.MANTHIRILINGESHWARAN, Advocate (SR-3955[F] dated 30/01/2020)

+1 CC to SPL.GP (SR-4324[F] dated 31/01/2020)

W.P(MD)No.1900 of 2020

30.01.2020

KM/(07.02.2020) 2P 5C

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