



WEB COPY

W.P.(MD) No.2520 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

and

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P. (MD) No.2520 of 2020

and

W.M.P. (MD) No.2167 of 2020

Kandasamy

... 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, to issue a writ of mandamus directing 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 dated 06.01.2020, before the first respondent.

For Petitioner: Mr.S.Mandhiralingeswaran

For Respondents: Mr.J.Gunaseelan Muthiah

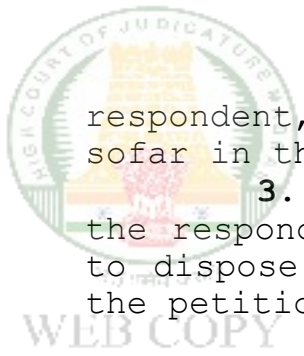
Additional Government Pleader

O R D E R

[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, dated 24.12.2019, issued by the second respondent, pending disposal of the appeal dated 06.01.2020, filed by him before the first respondent.

2. The learned counsel appearing for the petitioner submitted that the petitioner has also filed an application seeking for an order of interim stay under Section 10-B of the Tamil Nadu Service Employees' Restriction Act, 1905 in the said appeal before the first



respondent, however, the first respondent has not passed any order sofar in the said application.

3. The learned Additional Government Pleader appearing for the respondents submitted that the first respondent may be directed to dispose of the stay application as well as the appeal filed by the petitioner, within a time frame.

4. Having regard to the submissions made by the learned counsel appearing on either side and taking into consideration the limited prayer sought for by the learned counsel appearing for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the first respondent to consider the application seeking for an order of 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, we direct the first respondent to dispose of the appeal, dated 06.01.2020, filed by the petitioner, on merits and in accordance with law, within a period of eight weeks thereafter.

5. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

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

2.The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-5464[F]

+1 CC to M/s.Special Govt.Pleader (SR-5622[F]

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and

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10.02.2020

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SDS (24.02.2020) 2P-5C