



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

W.P (MD) No.3899 of 2020

Chandra Menon

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

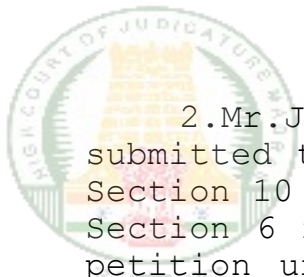
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from disturbing the petitioner's peaceful possession and enjoyment of 10.00.0 Hectares out of 457.15.5 in disforest Survey No.989 in Vaipar Revenue Village, Vilathikulam Taluk, Thoothukudi District pursuant to the eviction order dated 16.10.2019 passed by the second respondent in pending application dated 07.02.2020 on the file of the first respondent for stay under section 10(B) of the Tamil Nadu Land Encroachment Act, 1905.

For Petitioner	: Mr.J.Ashok
For Respondents	: Mr.J.Gunaseelan Muthiah, Additional 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, forbearing the second respondent from disturbing the petitioner's peaceful possession and enjoyment of 10.00.0 Hectares out of 457.15.5 in disforest Survey No.989 in Vaipar Revenue Village, Vilathikulam Taluk, Thoothukudi District pursuant to the eviction order dated 16.10.2019 passed by the second respondent in pending application dated 07.02.2020 on the file of the first respondent for stay under section 10(B) of the Tamil Nadu Land Encroachment Act, 1905.



2.Mr.J.Ashok, learned counsel appearing for the petitioner submitted that though the petitioner has filed an application under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, as against Section 6 notice issued by the second respondent along with a stay petition under Section 10(B) of the Act, the first respondent has not passed any order in the stay petition so far. Further, the learned counsel submitted that since the first respondent has not granted an order of interim stay, the authorities are taking steps to evict the petitioner from the land in dispute.

3.Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader taking notice for the respondents submitted that the first respondent may be directed to dispose of the stay petition within a period of 10 days.

4.Having regard to the submissions made by the learned counsel appearing on either side and taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, we direct the first respondent to dispose of the stay petition filed under Section 10(B) of the Tamil Nadu Land Encroachment Act, 1905 along with the appeal dated 07.02.2020, on merits and in accordance with law, within a period of 10 days from the date of receipt of a copy of this order.

5.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-8763[F] dated 27/02/2020)

+1 CC to M/s.J.ASHOK, Advocate (SR-8625[F] dated 27/02/2020)

PS

TE : 09/03/2020 : 2P/5C

W.P (MD)No.3899 of 2020

26.02.2020