



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.12439 of 2020

and

W.M.P. (MD) No.10650 of 2020

1.V.Murugesan @ Murugesu Pandi

2.Jancy Rani

...Petitioner

-Vs-

1.The District Collector,
Tiruchirapalli.

2.The Revenue Inspector,
Navalpattu, Tiruchirappalli,
Tiruchirappalli District.

3.The Revenue Tahsildar,
Thiruverumbur Taluk,
Tiruchirappalli District.

...Respondents

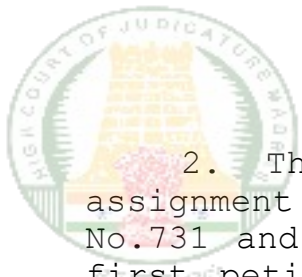
Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to forbear the respondents from interfering with the possession and enjoyment of the petitioners herein in respect of the lands of an extent of 3.82.0 hec. Ares in S.No.294/1, Navalpattu Village, Thiruverumbur Taluk, Trichy District till the appeal dated 30.08.2020 filed by the petitioners against the order dated 29.06.2020 of the third respondent herein under Section 6 of the Land Encroachment Act is disposed of.

For Petitioner : Mrs.AL.Ganthimathi
For Respondents : Mr.R.Murugan
Additional Government Pleader

ORDER

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

Mr.R.Murugan, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



2. The second petitioner admittedly was granted with an assignment order by Order No.8/1402 in respect of 40.5 ares in Patta No.731 and it appears that she along with her husband, who is the first petitioner herein, said to have purchased lands from other assignees in violation of the terms and conditions of the assignment. Therefore, proceedings were initiated under the provisions of the Tamil Nadu Land Encroachment Act, 1905. Challenging the legality of the said proceedings, the petitioners preferred a statutory appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 along with a stay petition under Section 10 (B) praying for stay of further proceedings before the first respondent.

3. The learned counsel of the petitioners would submit that the said appeal along with the petition for stay was taken on file on 30.08.2020 on the file of the first respondent and the same has already been entertained and hearing of the said stay petitioner is fixed on 24.09.2020 before the first respondent.

4. The petitioners, apprehending that before the disposal of the petition for stay they are likely to be dispossessed from the lands, which are the subject matter of the proceedings under the Tamil Nadu Land Encroachment Act, 1905, came forward with this writ petition.

5. Mr.Murugan, learned Additional Government Pleader has drawn the attention of this Court to the affidavit filed in support of this writ petition and the typed set of documents and would submit that though the second petitioner being one of the assignees was subjected to aware of the terms and conditions of the assignment, she along with her husband has purchased some extent of land and in contravention and violation of the terms and conditions, pattas were also issued and the same were cancelled, which are the subject matter of other writ petitions, but no interim orders are in operation and as such she is not entitled to claim any relief either on legal or equitable grounds and prays for dismissal of this writ petition.

6. This Court has carefully considered the rival submissions made on either side and also perused the materials placed on record.

7. According to the learned counsel for the petitioners, the first respondent had entertained the statutory appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 along with a petition for stay under Section 10(B) of the said Act and hearing on the said petition is fixed on 24.09.2020. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioners either in their appeal and stay petition pending before the first respondent



or in this petition, requires the first respondent to accord priority and dispose of the petition for stay in accordance with law as expeditiously as possible preferably within a period of three weeks from the date of receipt of copy of this order and till such time, the second and third respondents shall defer further proceedings in terms of the impugned notice issued under the provisions of the Tamil Nadu Land Encroachment Act, 1905. It is also open to the first respondent to accord priority in disposing of the main appeal also as expeditiously as possible. It is further made clear that till the disposal of the stay petition, the petitioner shall not create any third party rights in respect of the lands in question.

8. This writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector, Tiruchirappalli.

2. The Revenue Inspector,
Navalpattu, Tiruchirappalli,
Tiruchirappalli District.

3. The Revenue Tahsildar, Thiruverumbur Taluk,
Tiruchirappalli District.

4. The Special Government Pleader,
Madurai bench of Madras High Court, Madurai.

+1 CC to M/s. AL. GANTHIMATHI, Advocate (SR-17910[F] dated
24/09/2020)

W.P. (MD) No.12439 of 2020
23.09.2020

VR (CO)

TR(28.09.2020) 3P 6C

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