



WEB COPY

W.P.(MD) No. 15017 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No. 15017 of 2020

and

W.M.P(MD) .No.12656 of 2020

Chinnadurai

... Petitioner

-vs-

1. The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Ponnamaravathi Taluk,
Pudukottai District.

3.The Revenue Inspector,
Karaiyur,
Ponnamaravathi Taluk,
Pudukottai District

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents from evicting the petitioner from his peaceful possession and enjoyment of the dwelling house property in S.F.No.299/3 of Keelathaniyam Village, Ponnamaravathi Taluk, Pudukottai District, pending disposal of the Appeal dated 13.10.2020 on the file of the first respondent.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.K.P.Narayana Kumar
Special Government Pleader

ORDER

[Order of the Court was made by K.KALYANASUNDARAM, J.]

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for the issuance of Mandamus forbearing the respondents from evicting the petitioner from his peaceful possession and enjoyment of the dwelling house property in S.F.No.299/3 of Keelathaniyam Village, Ponnamaravathi Taluk, Pudukottai District, pending disposal of the Appeal dated 13.10.2020 on the file of the first respondent.

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3. It appears that the third respondent has initiated proceedings against the petitioner under the Land Encroachment Act, 1905, branding the petitioner as an encroacher of the Government land and an order of eviction is passed against him. Aggrieved over the same, the petitioner preferred appeal before the first respondent under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and the same is still pending.

4. Mr.T.Vadivelan, learned Counsel for the petitioner would state that, though the appeal has been filed in time, still the petitioner is having apprehension of eviction at the hands of the respondents and hence, this writ petition.

5. Mr.K.P.Narayana Kumar, learned Special Government Pleader takes notice for the respondents and would state that the first respondent is ready to dispose of the appeal filed by the petitioner in a time frame.

6. Considering the submissions of the learned Counsel on either side, this writ petition is disposed of directing the first respondent to pass orders on the appeal preferred by the petitioner purely on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order, after affording adequate opportunity to the petitioner. Till then, the respondents are directed to maintain *status quo*. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa/pm

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.

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



To:

1. The District Collector,
Pudukottai District,
Pudukottai.

2. The Tahsildar,
Ponnamaravathi Taluk,
Pudukottai District.

3. The Revenue Inspector,
Karaiyur,
Ponnamaravathi Taluk,
Pudukottai District

+1 CC to M/s.GP (SR-20663[F] dated 28/10/2020)

W.P. (MD) No. 15017 of 2020
and
W.M.P (MD) .No.12656 of 2020
22.10.2020

BK (CO)
KK (04.11.2020) 3P 5C