



WEB COPY

W.P(MD)No.14164 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14164 of 2021

and

W.M.P(MD)No.11115 of 2021

C.Lakshmanan

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Sivagangai.

2.The District Revenue Officer,
Sivagangai.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents

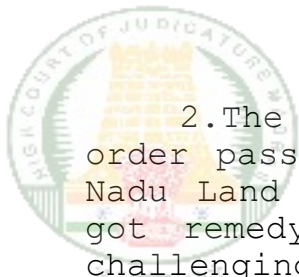
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned eviction order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 23.12.2020, issued by the third respondent and direct the first respondent to issue patta to the Oorkavalan Maedai temple belonging to Vadakudi Nattar situated in Survey No.256/7 of Pallanthur group Village, on the basis of Settlement Land Record (SLR).

For Petitioner	: Mr.P.Karthick
For Respondents	: Mr.B.Saravanan Government Advocate

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 Certiorarified Mandamus, calling for the records pertaining to the impugned order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 23.12.2020, issued by the third respondent and direct the first respondent to issue patta to the Oorkavalan Maedai temple, belonging to Vadakudi Nattar, situated in Survey No.256/7 of Pallanthur group Village, on the basis of Settlement Land Record (SLR).



2.The petitioner has filed the writ petition challenging the order passed by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. Admittedly, the petitioner has got remedy by way of an appeal, under Section 10 of the Act, challenging the order passed under Section 6 of the Act.

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3.Mr.P.Karthick, learned Counsel for the petitioner submitted that the petitioner has already filed an appeal before the first respondent - District Collector, Sivagangai, on 19.01.2021, challenging the order passed by the third respondent. Further, the learned Counsel submitted that instead of going into the merits of the impugned order, it would suffice to direct the first respondent to dispose of the appeal dated 19.01.2021, within a time frame and till such time, the official respondents may be directed to maintain *status quo*.

4.Mr.B.Saravanan, learned Government Advocate, taking notice for the respondents, submitted that the first respondent may be directed to dispose of the appeal within a time frame.

5.Having regard to the submissions made by the learned Counsel appearing on either side, taking into consideration the limited prayer as sought for by the learned Counsel for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the first respondent to dispose of the appeal dated 19.01.2021, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain *status quo*.

6.With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Collectorate Office,
Sivagangai.

2.The District Revenue Officer,
Sivagangai.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.Special Government Pleader (SR-26233[F] dated
13/08/2021)

+1 CC to M/s.P.KARTHICK, Advocate (SR-26271[F] dated 13/08/2021)

**W.P (MD) No.14164 of 2021
12.08.2021**

RS (23.08.2021) 3P 6C