



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14660 of 2021

and

W.M.P(MD)No.11587 of 2021

K.Gandhi

... Petitioner

Vs.

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

2.The Sub-Collector,
Office of the Sub-Collector,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Thirupathur Tahsildar Office,
Thirupathur Taluk,
Sivagangai District.

4.M.Veeraiya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent's impugned Order in Na.Ka.A6/1419/2021 dated 29.07.2021 and quash the same as devoid of merits consequently directing the respondents 1 to 3 not to disturb the petitioner's possession and enjoyment in Survey No.17/1 an extent of 95 cents in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, till the disposal of the petitioner's appeal dated 04.08.2021 made under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, on the file of the first respondent within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For RR 1 to 3 : Mr.B.Saravanan
Government Advocate

For R - 4 : Mr.H.Velavadhas



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent, dated 29.07.2021 and quash the same and consequently directing the respondents 1 to 3 not to disturb the petitioner's possession and enjoyment in Survey No.17/1 an extent of 95 cents in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, till the disposal of the petitioner's appeal dated 04.08.2021 made under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, on the file of the first respondent within a time frame.

2.Though the petitioner has prayed for a Writ of Certiorarified Mandamus to quash the order, dated 29.07.2021, Mr.A.Haja Mohideen, learned counsel appearing for the petitioner restricted his prayer by giving a direction to the first respondent to consider the stay petition filed by the petitioner in the appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and pass orders within a time frame.

3.Mr.B.Saravanan, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.H.Velavadhas, learned counsel takes notice for the fourth respondent.

4.In view of the submissions made 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 petitioner's stay petition filed under Section 10B of the Tamil Nadu Land Encroachment Act, 1904 filed along with the appeal under Section 10 of the Act on 04.08.2021, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

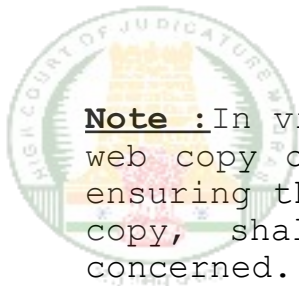
Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



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.

WEB COPY

To

- 1.The District Collector,
Office of the District Collector,
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Sivagangai.
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Devakottai,
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- 3.The Tahsildar,
Thirupathur Tahsildar Office,
Thirupathur Taluk,
Sivagangai District.

+1 CC to M/s.GP (SR-26738[F] dated 19/08/2021)

W.P (MD) No.14660 of 2021
17.08.2021

RD(25.08.2021) 3P 5C