



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.15364 OF 2021
and
W.M.P(MD)No.12263 of 2021

M.Vijayan :Petitioner

.vs.

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

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

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

4.M.Veeraiya :Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent's impugned order in Na.Ka.A6/1419/2021, dated 11.08.2021 and to quash the same as devoid of merits and consequently to direct the respondents 1 to 3 not to disturb the Petitioner's possession and enjoyment in S.No.17/1, an extent of 1 acre in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, till the disposal of the Petitioner's Appeal, dated 16.08.2021 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 Respondents : Mr.B.Saravanan
Government Advocate

For Respondent-4 : Mr.H.Velavadhas



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O R D E R

[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 second respondent, dated 11.08.2021 and to quash the same and consequently to direct the respondents 1 to 3 not to disturb the Petitioner's possession and enjoyment in S.No.17/1, measuring an extent of 1 acre in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, till the disposal of the Petitioner's Appeal, dated 16.08.2021 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 challenged the order passed by the second respondent, dated 11.08.2021 in this Writ Petition, Mr.A.Haja Mohideen, learned counsel appearing for the Petitioner restricted his prayer by praying for a direction to the first respondent to dispose of the Stay petition filed along with the Appeal, dated 16.08.2021 made under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, within a time frame.

3.Mr.B.Saravanan, learned Government Advocate taking notice for the respondents 1 to 3, submitted that the first respondent may be directed to dispose of the Stay Petition filed along with the Appeal, within a time frame.

4.Mr.H.Velavadhas, learned counsel appearing for the fourth respondent has no objection for giving such direction.

5.Having regard to the submissions made by the learned counsel appearing on either side, taking into consideration the limited prayer 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 consider the Petitioner's stay petition filed under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905, filed along with Appeal under Section 10 of the Act, dated 16.08.2021, on merits and in accordance with law, within a period of two weeks from the date or receipt of a copy of this order.

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

6.With these observations, the Writ Petition stands disposed



of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

Note :

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

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

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

+1 CC to M/s.GP (SR-27617[F] dated 31/08/2021)

W.P(MD)NO.15364 OF 2021

and

W.M.P(MD)No.12263 of 2021

26.08.2021

MGJ(03.09.2021) 3P 5C