



WEB COPY

W.P(MD)NO.15371 OF 2021

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.15371 OF 2021

and

W.M.P(MD)No.12264 of 2021

Chinnadurai

: Petitioner

.vs.

1.The State of Tamil Nadu,
represented by its Secretary to the Government,
Revenue Department,
Fort St.George,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.

4.The Revenue Inspector,
Karaiyur,
Ponnamaravathi Taluk,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court 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, Pudukkottai District, pending disposal of the Revision petition, dated 12.08.2021, on the file of the first respondent.

For Petitioner

: Mr.T.Vadivelan

For Respondents

: Mr.B.Saravanan

Government Advocate

O R D E R

[Order of the Court was made by M.DURAI SWAMY.,J.]

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus forbearing the respondents from evicting the

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



Petitioner from his peaceful possession and enjoyment of the dwelling house property in S.F.No.299/3 of Keelathaniyam Village, Ponnamaravathi Taluk, Pudukkottai District, pending disposal of the Revision petition, dated 12.08.2021, on the file of the first respondent.

WEB COPY

2. When the Writ Petition is taken up for hearing today, Mr.T.Vadivelan, learned counsel appearing for the Petitioner submitted that challenging the order passed by the District Collector, the Petitioner has filed a revision before the first respondent on 12.08.2021 along with stay petition under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905. However, the first respondent has not passed any orders in the stay petition so far and that the respondents are taking steps to evict the Petitioner from the property in dispute. Further, the learned counsel for the Petitioner submitted that it would suffice to direct the first respondent to dispose of the Stay Petition filed along with the Revision, within a time frame.

3. Mr.B.Saravanan, learned Government Advocate taking notice for the respondents 1 to 4 submitted that such direction may be given to the first respondent.

4. Having regard to the submissions made by the learned counsel appearing on either side, in view of 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 the revision Petition, dated 12.08.2021, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

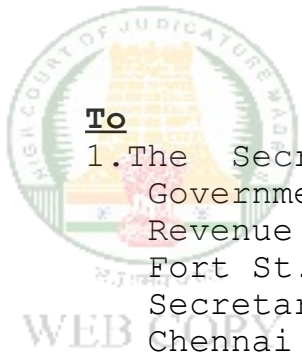
Assistant Registrar (CS II)

// 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 Secretary to the Government,
Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.

4.The Revenue Inspector,
Karaiyur,
Ponnamaravathi Taluk,
Pudukkottai District.

+1 CC to M/s.The Special Government Pleader (SR-27615[F] dated
31/08/2021)

W . P (MD) NO.15371 OF 2021

and

W . M . P (MD) No.12264 of 2021

26.08.2021

RS (06.09.2021) 3P 6C