



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.15398 OF 2021
and
W.M.P(MD)No.12305 of 2021

P.Dharmaraj,
Managing Trustee,
Ananda Samudram Grama Bramana Samudhayam,
No.41, South Car Street,
Nagercoil. :Petitioner

.vs.

1.The District Collector,
Kanyakumari District,
Nagercoil-1.

2.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District. :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 relating to the impugned order passed by the second respondent in his proceedings A1/1930/2018, dated 23.08.2021 and to quash the same as illegal,arbitrary and consequently forebear the second respondent from taking any coercive action pursuant to the order, dated 13.2.2021 passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in respect of the temple located at R.S.No.D5/11, Nagercoil North Village, Kanyakumari District, pending appeal before the first respondent.

For Petitioner :Mr.B.Saravanan

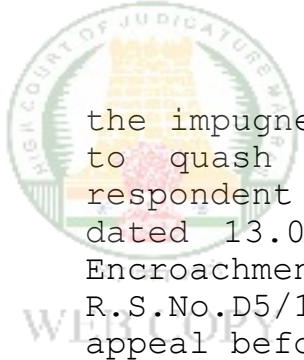
For Respondents :Mr.B.Saravanan
Government Advocate

O R D E R

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

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

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records relating to



the impugned order passed by the second respondent on 23.08.2021 and to quash the same and consequently to forebear the second respondent from taking any coercive action pursuant to the order, dated 13.02.2021 passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 in respect of the temple located at R.S.No.D5/11, Nagercoil North Village, Kanyakumari District, pending appeal before the first respondent.

2.Though the Petitioner has filed the Writ Petition to quash the order, dated 23.08.2021 passed by the second respondent Mr.B.Saravanan, learned counsel appearing for the Petitioner restricted his prayer to give a direction to the first respondent to dispose of the Stay petition filed by the Petitioner under Section 10-B of the Act within a time frame. Further, the learned counsel submitted that though the Petitioner has filed this Appeal before the first respondent under Section 10 of the Act as early as on 17.02.2021, the first respondent has not passed any order in the stay petition so far.

3.Mr.B.Saravanan, learned Government Advocate appearing for the respondents submitted that the first respondent may be directed to pass orders in the stay petition, within a time frame.

4.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 Stay Petition filed by the Petitioner under Section 10-B of the Act and pass orders on merits and in accordance with law, within a period of two weeks from the date or receipt of a copy of this order.

5.With these observations, the Writ Petition stands disposed of. The second respondent is directed to maintain status-quo, as on today, for a period of two weeks. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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.



1.The District Collector,
Kanyakumari District,
Nagercoil-1.

2.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-27446[F] dated 26/08/2021)

+1 CC to M/s.GP (SR-27614[F] dated 31/08/2021)

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and

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MGJ(03.09.2021) 3P 5C