



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.15886 of 2021

and

WMP (MD) No.12796 of 2021

R.Meena

... 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 for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned order in Na.Ka.A6/1419/2021, dated 14.08.2021 and quash the same as devoid of merits and consequently directing the respondent Nos.1 to 3 not to disturb the petitioner's possession and enjoyment in Survey No.17/1 an extent of 0.53.00 Hectares in Karenthelpatti Village, Thirukalapatti Panchayat, Mathavarayanpatti Group, Thirupathur Taluk, Sivagangai District, till the disposal of the petitioner's appeal dated 25.08.2021 made under Section 10 of the Tamilnadu Land Encroachment Act, 1905, on the file of the 1st respondent, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.B.Saravanan,
(R1 to R3) Standing Counsel for State

For R4 Mr.H.Veleva Dhas



O R D E R

Challenging the impugned order of eviction issued under Section 6 of the Land Encroachment Act, the petitioner has filed the present Writ Petition.

2. Admittedly, as against the order of eviction, appeal remedy is available to the District Collector. Without availing the appeal remedy, the petitioner filed this writ petition, which is not maintainable. Hence, the Writ Petition is dismissed.

3. Now it is stated by Mr.Hajamohideen, the learned counsel appearing for the petitioner that already the petitioner approached the District Collector and filed the appeal and the same is pending and the District Collector may be directed to dispose the appeal.

4. Considering the above submissions, the District Collector is directed to consider the petitioner's appeal and pass suitable orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after hearing the petitioner. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

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,
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-28516[F] dated 08/09/2021)

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RD(22.09.2021) 3P 5C