



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17835 of 2021

The C.S.I. District Church,
Marthandam,
Represented by its Secretary,
V. Jeyakumar,
Kanyakumari District

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District at Nagercoil.

2. The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay Post,
Kanyakumari District

3. The Tahsildar,
Vilavancode Post,
Kuzhithurai Post,
Kanyakumari District.

4. The Revenue Inspector,
Vilvancode Taluk,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, to direct the first respondent to pass orders on the stay application filed under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905, filed along with the appeal preferred by the petitioner under Section 10 of Tamil Nadu Land Encroachment Act, 1905, on 16.12.2019 against the order of eviction notices dated 27.11.2019, on the file of the second respondent and to stop the operation of the order of eviction passed by the second respondent dated 27.11.2019.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.B.Saravanan
Government Advocate



ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the first respondent to pass orders on the stay application filed under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905, filed along with the appeal preferred by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905, on 16.12.2019, against the order of eviction notices dated 27.11.2019, on the file of the second respondent and to stop the operation of the order of eviction passed by the second respondent, dated 27.11.2019.

2. The grievance of the petitioner is that though he has filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 as early as on 16.12.2019, the same has not yet been disposed of by the first respondent. Further, it is the contention of the petitioner that the first respondent has not passed any order in the stay application filed under Section 10-B of the Act.

3. Mr.B.Saravanan, learned Government Advocate taking notice for the respondents submitted that the first respondent may be directed to pass orders on the stay application as well as in the appeal filed by the petitioner, within a period of eight weeks.

4. In view of 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 application filed under Section 10-B of the Tamil Nadu Land Encroachment Act, 1905 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and till such time, the respondents are directed to maintain *status quo*. Further, we direct the first respondent to dispose of the appeal, dated 16.12.2019, filed by the petitioner, on merits and in accordance of law, within a period of six weeks thereafter.

5. With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

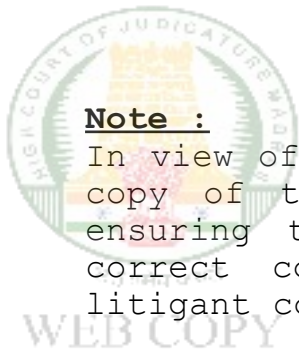
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Note :

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,
Kanyakumari District at Nagercoil.
2. The Revenue Divisional Officer,
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+1 CC to M/s.SPL.GP (SR-31013[F] dated 04/10/2021)

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RK(12.10.2021) 3P 6C