



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2021

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.21378 of 2021
and
W.M.P(MD)No.17948 of 2021

I.Sumathi

...Petitioner

Vs.

1.The District Collector
Office of the District Collector,
Trichy District.

2.The Revenue Divisional Officer,
Srirangam Revenue Sub-Division
Srirangam,
Trichy District.

3.The Tahsildar,
Srirangam Taluk Office,
Srirangam,
Trichy District.

4.The Revenue Inspector
Somarasanpettai Revenue Firka,
Srirangam Taluk Office,
Trichy 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 herein from in any way dispossessing the petitioner from his property comprised in Survey No.19/1 of an extent of 0.50.0 hectares situated at Navalookuttapatti Village, Srirangam Taluk, Trichy District by considering the petitioner's representation, dated 24.11.2021.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.B.Saravanan
Additional Government Pleader



O R D E R

(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

This Writ Petition is filed seeking issuance of a Writ of Mandamus forbearing the respondents herein from in any way dispossessing the petitioner from his property comprised in Survey No.19/1 of an extent of 0.50.0 hectares situated at Navaloorkuttapatti Village, Srirangam Taluk, Trichy District by considering the petitioner's representation, dated 24.11.2021.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Writ Petitioner states that he had preferred an appeal before the District Collector, Trichy District, who is the first respondent in the writ Petition, against the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

4.The said appeal was preferred on 24.11.2021 and he has preferred the present Writ Petition on 29.11.2021.The prayer in the Writ Petition is to forbear the respondents from in any way dispossessing the petitioner from his property comprised in Survey No.19/1, measuring an extent of 0.50.0 hectares situated at Navaloorkuttapatti Village, Srirangam Taluk, Trichy District.The appeal is preferred under Section 10 of the Tamil Nadu **Land** Encroachment Act, 1905. Within three days from the date of filing the appeal, the Petitioner has preferred the present Writ Petition.

5.Section 10-B of the Tamil Nadu Land Encroachment Act,1905 provides for an order of stay, pending the appeal.Hence, it is open to the Petitioner to move an application for stay in the appeal itself, in which, the decision or order is appealed against or sought to be revised. Without resorting to the provision of the statute, the Petitioner has approached this Court invoking Article 226 of the Constitution of India, which is not maintainable. It is open to the petitioner to file a stay petition under Section 10-B of the Tamil Nadu Land Encroachment Act,1905, before the District Collector, Trichy District, if so advised.

6.With the above observation, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

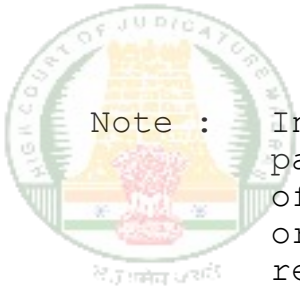
Assistant Registrar (CS III)

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/ /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.

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To

- 1.The District Collector
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Srirangam,
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Srirangam,
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- 4.The Revenue Inspector
Somaraanpettai Revenue Firka,
Srirangam Taluk Office,
Trichy District

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-37192[F] dated 03/12/2021)

+1 CC to M/s.SPL GP (SR-37200[F] dated 03/12/2021)

W.P (MD) No.21378 of 2021

and

W.M.P (MD) No.17948 of 2021

02.12.2021

MGJ(14.12.2021) 3P 7C