



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.P (MD)No.21405 of 2021
and
WMP (MD)No.17973 of 2021

M.Karnan

... Petitioner

vs.

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

2) The Tahsildar,
Srirangam Tahsildar Office,
Srirangam Taluk,
Trichy District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent's Impugned Notice in Na.Ka.No.A3 / 4827 / 2021 dated 02/10/2021 and consequential Impugned Notice in Na.Ka.No.A3/4827/2021 dated 22/11/2021 and quash the same as devoid of merits consequently directing the respondents not to disturb the petitioner's possession and enjoyment in Survey No.119/9 an extent of 2500 Sq.fts (approximately) in kambarasampettai Village, Srirangam Taluka, Trichy District, till the disposal of his appeal dated 26/11/2021 made under Section 10 of the Tamilnadu Land Encroachment Act, 1905, on the file of the 1st respondent within the period stipulated by this Honourable Court.

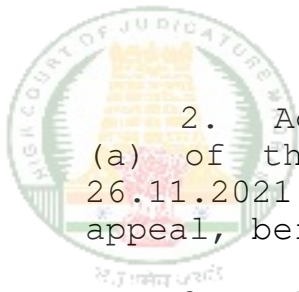
For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

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

The writ petition is filed by the petitioner, challenging the order passed under Section 6 of the Tamilnadu Land Encroachment Act, 1905.

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



2. Admittedly, there is an appeal provision under Section 10 (a) of the Act. The petitioner also has preferred appeal on 26.11.2021. Section 10B of the Act, provides for a stay pending appeal, before the District Collector.

3. The learned counsel for the petitioner states that a stay application is filed. However, it is not known why this writ petition has been filed, challenging the order passed under Section 6. The learned counsel for the petitioner would also state that the petitioner's possession should be protected, till the appeal is disposed of.

4. As Section 10B of the Act, provides for a stay application to be moved before the Collector, rightly, that has also been filed. The petitioner has to pursue the same. The 1st respondent / District Collector, is also directed to dispose of the appeal, within a period of four weeks, from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala

To

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

2) The Tahsildar,
Srirangam Tahsildar Office,
Srirangam Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-37203[F] dated 03/12/2021)

W.P(MD)No.21405 of 2021

DATED : 02.12.2021

SS(CO)

KB(13.12.2021) 2P 4C